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Current Political Problems

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THE MILITARY GOVERNMENT OF CUBA

The Situation Which Confronted the Military Government

The purpose of the Military Government was to prepare the people of Cuba for self-government and to establish conditions which would render the establishment of a Cuban republic possible and its orderly and successful maintenance probable. The occupation of Cuba began with the occupation of the city of Santiago and extended rapidly over the province of the same name. The territory occupied by the military forces of the United States prior to the general transfer of the island, January 1, 1899, was limited to this province. Conditions in Santiago at the time of occupancy were as unfavorable as can be imagined. Yellow fever, pernicious malaria and intestinal fevers were all prevalent to an alarming extent. The city and surrounding country was full of sick Spanish soldiers, starving Cubans and the sick of our own army. The sanitary conditions were indescribably bad. There was little or no water available and the conditions were such as can be imagined to exist in a tropical city following a siege and capture in the most unhealthy season of the year.

The first work undertaken was feeding the starving, taking care of the sick, cleaning up and removing the dangerous material in the city. In addition to correcting these local conditions, it was necessary to send food and medicine throughout the province, maintain order, re-establish municipal governments, reorganize the courts, and do the thousand and one things incident to re-establishing the semblance of government in a stricken and demoralized community. The actual difficulties were increased by the fact that the people with whom we had to deal spoke a foreign language with which few of us were familiar. The death rate among our own troops was heavy and the percentage of sick appalling. The regulars and volunteers engaged in the siege and capture of the city were withdrawn late in August and their places filled with one regiment of regulars and a number of regiments of volunteers. The arrival of these green troops in the height of the unhealthy season was a cause for grave anxiety and their care required unusual precautions. By this time the city had been cleaned; the death rate greatly checked; food had been sent by pack train to the interior and by sea to the various seaport towns

of the province and couriers had been sent through the country to inform the inhabitants where they could procure food and medicine; custom houses had been established at all the ports and with the funds collected from this source public works had already been undertaken.

The first public works were carried out in the city of Santiago to drain certain unhealthy surroundings of the city, improve the water supply and render the place more habitable. The purpose of the public works was not only to improve conditions, but to give occupation to the thousands of idle people, including disbanded soldiers of the Cuban army. Some were paid in money and some in rations. Every effort was made to get the people out to their homes in the country and with this in view, men were furnished with a few necessary agriculture implements and food enough for a month and sent out to their homes. In this way thousands of idle people about the city were disposed of and placed upon their own property, and surrounded with those members of their families who had survived the war and its consequences.

A rural guard composed of Cubans was rapidly organized for the maintenance of order in the rural districts. During this period, troops were also used for this purpose. As soon as conditions of actual starvation had been done away with, and the worst features of the sanitary situation improved, steps were taken to organize municipal government in the various towns. There was no time to write an electoral law and put it in force. The method adopted was to go to a town, assemble from sixty to a hundred men representing all classes of the people and ask them to name municipal officers and to present their list as soon as completed. In this way the officials of all the municipalities of the province were in time appointed. Temporary regulations were drawn up covering local taxation. Stores and business houses were divided into classes and were required to pay so much per month to the municipal treasury. Under the means so procured, municipal governments were started. Expenses were kept at the lowest figure.

As soon as a municipal government was organized, steps were taken to temporarily relieve the situation in each municipality, and medicine, food and assistance were given those most needful of it. The next step was to establish village schools in all the different towns. In October the Spanish garrison, consisting of some twelve

thousand men, was withdrawn from the northwestern portion of the province. Upon their withdrawal it was found that smallpox was epidemic in most of the towns that they had occupied and an investigation showed that there were approximately three thousand cases of smallpox existing in the Holguin district and that the disease was of a malignant type. Six hundred men of the 2d Immunes under Colonel Hood were vaccinated and re-vaccinated, under the careful supervision of their surgeons. When this was completed they were all sent into the infected districts accompanied by several extra medical officers and charged with the suppression of the epidemic, a work which was soon completed. Some twelve hundred cases of smallpox were treated in hospitals. Small settlements (made up as a rule of thatched houses), where it was most prevalent, were burned. Settlements containing buildings of permanent construction were thoroughly disinfected, and some thirty thousand people vaccinated. The efforts taken were effective in bringing the disease to a summary conclusion, and since this epidemic, Cuba has been free from smallpox. As an illustration of the efficiency of vaccination, it can be stated that there was not a case of smallpox among troops sent into the district.

With the stamping out of this epidemic, the worst features of the sanitary situation were removed, and affairs began to have a more hopeful outlook, and at the end of the year the province was orderly and fairly healthy; municipal governments were running, with rather crude machinery to be sure, but performing the necessary functions. Nearly two hundred public schools had been established, and all incurred expenses had been paid from revenues collected, and approximately one hundred and sixty thousand dollars ($160,000) was on hand for carrying out certain sanitary work in the city of Santiago, for which arrangements had been made. The superior court, courts of first instance, and municipal courts had been established throughout the province. Custom houses were in operation, and starvation had disappeared. A proclamation embodying the general principles of a Bill of Rights had been published, giving the people the right to carry arms, to hold public meetings, and, in fact, to do all those things which people do under free governments. Such was the condition in the province of Santiago at the time of the transfer of the island to the United States on January 1, 1899.

Conditions were encountered in Havana similar to those in San-

tiago, but not so severe, as the city had not undergone a siege and had not suffered from the demoralizing conditions necessarily following. Still the condition was exceedingly grave and an immense amount of work was required to place affairs upon a comparatively normal basis. The work of straightening out Havana, both in a sanitary and administrative sense, was performed with singular ability by General William Ludlow, since deceased. General Ludlow's work was of the highest character, and was carried out by the exercise of excellent judgment and great ability, and the work which he accomplished resulted in a saving of thousands of lives and in the organization of a suitable government in Havana and the establishment of good sanitary conditions. Similar work, and on a smaller scale, was carried out by General Wilson in Matanzas, General Carpenter in Puerto Principe, and other officers in various parts of the island.

The work outside of Havana called for extensive care of country people in the way of supplying food, medicines, etc., and was carried out with remarkable ability by our officers. During the year 1899, under the administration of General Brooke and his subordinates, an organization of the courts in the four western provinces of the island was accomplished; municipal governments were inaugurated; and police forces provided for the rural districts. A rudimentary school law had been published and preparations were under way for the establishment of a school system. Custom houses had been established, under the supervision of General Tasker H. Bliss, and revenues were regularly collected.

This was the condition of affairs in December, 1899, at which time I was appointed Military Governor of the island. A year and a half of experience in Cuba had shown that the island was in need of a general revision of the law of public works, beneficence, education, municipal administration, prison administration, etc.; that it needed an electoral law; and, in fact, that the whole machinery of the government needed overhauling and readjustment. The general law was excellent. I shall always feel indebted to Justice White, of the Supreme Court, for some very sensible advice which he gave me to the effect that the law was all right, but to look out for the procedure, which needed many modifications. President McKinley's instructions to me were to prepare Cuba, as rapidly as possible, for the establishment of an independent government, republican in

form; to arrange for an efficient administration of justice; and a good school system. Whatever results were obtained, were made possible by the policy of the President and the Secretary of War in defining the object to be attained and leaving their representative in the island to work it out, and he was given entire freedom in so doing.

Reorganization of the Courts and Prisons

I shall take up very briefly the various departments of the government, pointing out in a general way the conditions existing and the measures taken to bring about reforms. The department which demanded immediate attention was the Department of Justice, including the prison system of the island. Hasty investigation made in December, 1899, demonstrated the necessity for prompt action. The prisons were found to be full of men who had been held in some instances years awaiting trial. There was little or no evidence against them; they had apparently been forgotten, and although the judges and jailors were Cubans, nothing had been done. The principal officer of the department charged with expediting and pushing forward the prosecution of cases was doing little or nothing, and was removed. A mixed commission was appointed and the prisons gone over thoroughly with the result that in the neighborhood of six hundred individuals were released on the ground that there was not enough evidence against them to warrant their being held or that they had been held awaiting trial for as long a period as they would have been imprisoned had they been tried and received the average sentence prescribed by the code. The prison records were in bad shape and the sanitary condition of prisons was exceedingly bad. Youth and adult criminals were huddled together; convicts and those awaiting trial were kept in the same cells. Everything was in a demoralized condition. As above stated the commission was formed. It inspected the prisons and prison lists of the island and recommended the release of the number above referred to. Important steps were taken to provide for a regular and systematic inspection of prisons and prisoners. Forms were printed for reports of such inspections which set forth all important particulars concerning every person detained. Lists of all prisoners with the date of expiration of their sentences were posted in every prison at a point accessible to the prisoners. The Inspector-General of prisons was given

extensive powers and the result of the systematic and frequent inspections inaugurated was a great improvement in the condition of affairs. Separation of youths from adults and the people awaiting trial from those sentenced; personal inspections of prisons and places of detention were made whenever possible. General repairs and renovation of prison establishments was undertaken and every effort made to improve existing sanitary conditions. Modern prison ideas were inculcated as rapidly as possible, and attempts made to impress upon the public and particularly those charged with the care of prisoners, the necessity for the establishment of measures tending to reform prisoners. Instruction in elementary education was established in the larger prisons. Clean bedding and decent food were insisted upon.

Conditions in the prisons resulted directly from indifference and negligence of the courts; trials were delayed; the procedure was cumbersome and expensive. Everything pointed to the necessity of a thorough overhauling of the Department of Justice, and the establishment of new methods of doing business. With this end in view, very general measures were inaugurated. The fee system was done away with, and all court officers put upon a fixed salary. Court houses were extensively repaired, and courts suitably installed. Free schools of stenography and typewriting were maintained in Santiago and Havana. Typewriting machines and operators were extensively supplied to all courts and the Secretary of Justice and Attorney-General, or Fiscal, were charged with the rigid supervision of the work of the courts. Negligent judges and those whom current rumor pointed out as dishonest were removed, for the good of the service. At the same times the officers commanding the troops were absolutely separated from participating in civil affairs, except by orders of the Military Governor and in times of serious disturbance for the protection of life and property, which state of affairs never arose, and every effort was made to impress upon the officers of the courts the dignity and responsibilities of their position. Well-salaried personnel were supplied them as needed. Police or correctional courts were established in all large towns and eventually throughout the island. In short, there was a careful overhauling of the Department of Justice and a careful and painstaking effort made to re-establish it, not only in respect to the public, but in its own self-respect. The result was soon apparent in greatly improved adminis-

tration of justice and in general indications of a return of popular confidence.

The police courts established were like our own in most states; the trials were oral and summary. In cases where the offence called for punishment above a certain limit the judge impaneled a jury of five men, all qualified electors, residing within the jurisdiction of the courts, and on a finding by them of guilty could impose a sentence of one hundred and eighty days or a fine of five hundred dollars ($500). In case the fine was imposed and not paid, imprisonment could be imposed at the rate of one day for each dollar of fine, but the total imprisonment was limited to six months. The judge sentencing without the finding of a jury could impose confinement for thirty days, or a fine of thirty dollars ($30), or both. These courts relieved the Audiencias, or higher courts, of a great number of unimportant cases, and did much to avoid the long detention of prisoners charged with minor offences. Eventually these courts were extended to all towns of any size. Where the cases were few in number the judge of first instance acted as correctional judge in addition to performing his regular functions. Lawyers were provided by the courts for the defence of the poor, and many additional protections were thrown around the accused. The old system of "incommunicado" had already been done away with. The general measures were those giving access to the accused of the details of the accusation filed against him; and the right to summon witnesses at the expense of the state. In short, all the protection afforded the defence that is granted in our own courts.

Court records were found, in many instances, in absolute disorder, piled up in heaps in empty rooms. A large force of employees were engaged for over a year in the straightening out of these records, and all records more than thirty years old were assembled in the general archives established in Havana, for the purpose of preserving as much as possible the documentary records of the island. The remaining records were carefully arranged, indexed and stored in suitable apartments in the courts. This work of straightening out the court records was a long one, and surrounded by many difficulties.

The courts as transferred to the Cuban republic throughout the island were established in good quarters, thoroughly well equipped with abundant well-trained personnel and material. The

administration of justice was prompt. Complaints and charges against judges had ceased and the administration of justice was more rapid than in most parts of our own country. Excluding police court cases which would have considerably reduced the average period, the average length of all criminal cases tried from the date of arrest until the date of final disposition of the case was approximately three and one-half months. Courts sat throughout the year and criminal trials were held before tribunals composed of three, five or seven judges. Jury trials were unknown in Cuba except for a time in the police courts which were referred to above. The trial before a number of upright judges, while it may have disadvantages, certainly has in many ways advantages over the jury system. I maintained the jury system in the police courts for approximately a year and a half, but found it to be a failure and it was abolished upon the unanimous recommendation of the judges throughout the island. The Cuban citizen had not reached the point where he was willing to sit in judgment upon his fellows, especially in cases involving lotteries, gambling, cock fighting and other weaknesses of the people. Again, with a high percentage of illiteracy, and the elimination of professional men from juries, it was extremely difficult to obtain well qualified jurors. I believe that the Department of Justice, as we left it, had the respect and confidence of the Cuban people. I had occasion to observe its workings very closely, and at the date of transfer it was, in my opinion, honest and highly efficient. The trouble in the system as we found it was due to the demoralizing political conditions existing in Cuba for many years out of which the custom had grown of the courts' feeling that they must follow the policy of the government in dealing with cases rather than deal with the cases strictly upon their merits. In other words those conditions existed which naturally must have existed in a country where the courts represented the government and tried to carry out its policy; and the people were either conspiring or in actual revolution.

Elections

Early in the year 1900 a General Election Law was prepared and promulgated governing elections throughout the island. This law resembles many of our electoral laws. The Australian system of voting was employed; suffrage was limited. The requirements were:

The voter must be a Cuban, twenty-one years of age; antecedent record free from crime; and in addition to these general qualifications, must have one of the following:

The ability to read and write; the possession of at least two hundred and fifty dollars' ($250) worth of property or an honorable discharge from the Cuban army, showing services prior to the seventeenth day of July, the date of surrender of the city of Santiago —practically the end of the war. General elections were held throughout the island in the month of June. Municipal Alcaldes, Municipal Councils and Municipal Judges were elected. This was the first real general election ever held in the island. Nearly all the work had to be done at headquarters in Havana; ballots prepared; ballot boxes distributed; an immense amount of general information sent out; and thousands of questions answered. In short, the bulk of all the work incident to the holding of a popular election under the conditions existing in Cuba was thrown upon the office of the Military Governor and his subordinates. Much of it, of course, was taken up by the Civil Governors and the more intelligent Alcaldes, but all cases in dispute eventually came to headquarters.

Municipal Governments Made Self-supporting

At this time the state was paying the Alcaldes and their necessary clerical assistance a moderate salary. As soon as the municipalities were organized, this allowance by the state ceased and they were called upon to pay the salaries of their own employees. The same situation existed in regard to the municipal police. The state paid the salaries of these officers up until the middle of the year 1901. The general policy pursued by the state in reference to municipalities was to place the burden of taxation upon them gradually. To give an idea of the work connected with the organization of the municipalities, it is only necessary to say that there had to be a re-assessment list of property made for the whole island. Municipal boundaries had to be straightened out. Out of one hundred and thirty-eight municipalities fifty-six were eventually suppressed on the ground that they had neither the resources nor population sufficient to maintain a well organized municipality. It is impossible to cover in detail all the various measures inaugurated. Every branch of municipal administration had to be overhauled and the regulations modified to fit new conditions. At the time of evacuation, the

state was maintaining only the public schools, and certain municipal hospitals and carrying out sanitary engineering work principally in the cities of Santiago and Havana. The municipal charges had been largely placed upon the municipalities. Another year would have seen municipalities paying all their expenses, with the exception of public schools. This system should, I believe, continue in the hands of the insular government in order that it may be uniform throughout the island.

Schools

The public school system in Cuba prior to the occupation was, so far as could be learned from existing records and from observation, a system in name only. The island did not own a single school building, and little evidence was found of school books or school equipment. There had been what was called a public school system, but it had been apparently of little or no value. The children who received any education of value received it in the private schools.

During the early part of 1899 an allowance of $50 per school room was made to the different municipalities by my predecessor, General Brooke, for temporary establishment of such municipal schools as it was possible to establish prior to the inauguration of the new system. Late in 1899 and early in 1900, I took up the question of public schools. A new school law was prepared under the direction of Lieutenant Matthew E. Hanna, a young man at that time twenty-seven years of age, a graduate from West Point, who had taught school in Ohio several years prior to going to the Military Academy. After a careful examination of the school laws of a number of different states, it was decided to adopt, with certain modifications, the school law of Ohio. The substance of this law was put into Spanish. Blanks and forms were prepared and the work of educating the people in the principles of the new school law commenced. The island was divided into school districts; a school census was taken, and an electoral law for local school officers was provided. The school system was established independent of the municipal political administration. The people held their own elections for school officials entirely distinct from the elections for their town officers. The public school system was controlled and directed by the state.

Mr. Hanna's predecessor, Mr. Frye, during the period of his incumbency as president of the Board of Island Superintendents of Schools, had charge of the work of establishing the first schools throughout Cuba. This establishment of schools was not at first a very formal proceeding or one well regulated or on a firm basis. The various school officials in the different municipalities were authorized to engage teachers and see to the enrollment of pupils. In this way, some three thousand eight hundred schools were established in a short space of time. There was at first a great deal of confusion. It was found that the number of schools in the districts did not correspond to the number of school-going children; in short, it was soon discovered that the school system as established was in a somewhat chaotic state and without any well-defined plan of administration.

This was the state of affairs when the new school law, drawn up by Mr. Hanna, was put in force, and he, acting under the general instructions of the Military Governor, straightened out the tangled condition of affairs, and organized the school system in Cuba as we transmitted it to the Cuban government, with nearly three thousand eight hundred public schools and with a total enrollment last year of 256,000 pupils. By total enrollment I do not mean that 256,000 children were constantly on the rolls, but that the total number of children availing themselves of the school system during the year was 256,000. Some were present for a few months only, and others took their places. The average enrollment was 160,000 and the average attendance approximately 78 per cent of the average enrollment.

To equip these schools, a large sum of money was required, for books, school furniture, etc., and the first order given was for 100,000 complete sets of school equipment; such as desks, chairs, fastenings, etc., together with school books, blackboards, etc., amounting to three quarters of a million dollars in all. This purchase was rapidly supplemented by others, and with a revenue of $17,000,000, approximately $4,000,000 per year was put into the school system.

In the early days, there was a great deal of discussion about the employment of American school teachers. Such action on our part would have been very unwise, as the people were rather suspicious of our motives and of the sincerity of our declaration that we were to ultimately withdraw from the island, and they would have con-

sidered the appointment of several thousand American teachers as an effort to "Americanize" the children. Again, I knew that we were going to establish a government of and by the people in Cuba and that it was going to be transferred to them at the earliest possible moment; and, I believed that the success of the future government would depend as much upon the foundation and extension of its public schools as upon any other factor, and that such a system must necessarily be entirely in the hands of the people of the island. The original temporary school law, previously referred to, provided salaries for teachers, higher than we pay in this country, as a rule. It was believed that by the maintenance of liberal salaries, we could secure as teachers young women from the best families in the island; and, as all the schools to be established were of the primary grade, there would be an opportunity to develop teachers for the higher grades as we went along. This was the general plan followed.

In the year 1900, Harvard University invited one thousand Cuban teachers to spend the summer at Cambridge. The burden of preparing them for the journey, paying them one month's salary in advance and their transportation to the seacoast and aboard the transport, was upon the Military Government; their transportation by sea to Cambridge was arranged by the Quartermaster's Department. At Cambridge they were in charge of a committee appointed by the University to meet these teachers and arrange for their entertainment during the summer. They were accompanied by Mr. Frye who was nominally in charge of the party, and by a number of Cuban chaperones. They spent the summer in Cambridge and returned to Cuba without accident or loss. Their journey was valuable not so much from what they learned from books as from what they saw and absorbed by going about in this country. Of course, they received a certain amount of valuable instruction also, but this, I have always considered, was secondary.

The school system in 1900 passed largely to the control of Lieutenant Hanna, and its reorganization and development upon a sound basis was steadily pushed forward. Teachers' salaries in Cuba were paid throughout the year with certain provisos, one of which was that those teachers who did not leave the island during their summer vacation for study, must attend the summer school for teachers on the island, and during the absence of the teachers at Cambridge, the summer school for Cuban teachers was organized

and maintained for those teachers who did not take the northern trip. In the year 1901, two hundred carefully selected Cuban teachers were sent to Harvard, and they did several months' hard work; while the remaining teachers attended summer schools in the island.

The question of Normal schools has been under consideration for a long time. The great difficulty has been the absence of suitable native material for teachers in such a school. With this end in view, arrangements were made with the New York State Normal School at New Paltz to receive sixty teachers for a two-years' course, at the rate of $30,000 per year; thirty new Cuban teachers were to be sent each year and thirty to be graduated and returned to Cuba. Under this arrangement, Cuba would have soon had a corps of highly trained professional teachers who would have been competent to take up the work of higher education and also the proper instruction of native teachers. Unfortunately, the contract entered into, although made under the most favorable terms for the Cuban government, has not been continued.

A great number of school houses have been built in Havana, and in many other cities and towns large barracks and hospital buildings of permanent construction have been converted into school houses, notably one in Havana which contains thirty-three rooms and accommodates 2,000 children daily, and is fitted up with gymnasium, rooms for manual training, kindergarten, etc.

Once the people of Cuba realized that the schools were under the control of their own people, they began to call for American teachers in certain lines, principally, in sloyd and kindergarten work. These were supplied, and kindergarten, manual training, sloyd, and school city government were introduced in many of the schools with great success. The school city government idea seems to be particularly valuable in Cuban schools, for the children are thus taught the general details of modern municipal government; and, in addition, the adoption of this plan results in a good condition of discipline in the schools.

Higher education in Cuba was provided for by a university and six "institutos," or high schools, one at the capital of each province. I found, upon examination, that the University of Havana had 96 professors and instructors and a total of 406 students. This condition of affairs had been in force for some time. Salaries were very liberal, judged from our standpoint, while the work accomplished

was little or nothing. There were professors without students, and the general equipment of the university was almost worthless. The same was true, in a smaller way, in the "institutos." It was finally decided as a necessary, but extremely disagreeable measure, to vacate nearly all of these professorships, abolish some and invite the former holders thereof and the general public to a competitive examination for appointment in the reorganized institutions. This procedure gave rise to a sea of protest, but it was nevertheless carried out and a competent and efficient personnel appointed, ample for the needs of these institutions. Purchasing agents were sent to Europe and America to equip laboratories with scientific apparatus, instruments, etc., and hundreds of thousands of dollars were spent in equipment and renovations. New laboratories, absolutely up-to-date, were established in Havana, and equipped with the best obtainable instruments and apparatus; and here, for the first time in the history of the university, an opportunity was given the students to do up-to-date scientific work in their own country. This action gave higher education the strongest impetus it has ever received in Cuba. The work has been exceedingly expensive, but the prevailing idea controlling all the acts of the Military Government in Cuba was that if the Cuban republic was to be established and maintained as a stable government, it must not only have good courts of justice, but a well-educated body of people from which to draw.

The attendance at the University of Havana and the "institutos" is rapidly increasing. The university has been transferred from its former location in the old Convent of San Augustine, where it has been for several years, to one of the best locations in Havana, and established in a group of buildings formerly used as an arsenal by the Spanish government. Approximately $100,000 has been spent in adapting these buildings to university purposes. They are centrally located and have room for expansion. The government collects a very small fee from students at the university and "institutos" but the public schools are free.

In addition to the school system already mentioned, there were a number of training schools for orphan children, in which public instruction was also maintained at the expense of the state. Free schools in stenography and typewriting have been maintained in Havana and Santiago, as also a school of arts and trades. The latter school is one of the most useful institutions in the island, cor-

responding somewhat to our schools of technology, though with nothing like as complete a course. One of the last acts of the Military Government was to transfer this school to its new building, completed at cost of something over a quarter of a million dollars. The university has a school of medicine, a school of law, a school of engineering, and a school of arts and architecture.

In addition to the public schools, there are a great many private schools still maintained in Cuba, although the general tendency is to abandon them and send the children to the public schools. The Military Government always encouraged the private schools for the reason that it will be impossible, for some time to come, to take care of all the children in the state schools. The government exercised over the private schools the right of supervision to the extent of requiring them all to show that their teachers were competent to teach, and that the schools were maintained in a sanitary condition.

Sanitation

The sanitary campaign in Cuba began with the occupation of the city of Santiago by the Americans, in July, 1898, and was continued with unremitting energy up to the date of the transfer of the government to the Cuban republic. Aside from the general measures adopted for the cleaning up of the cities and towns to rid them of dangerous material, the attention of those charged with the sanitary work was directed toward yellow and malarial fever, as these two diseases were considered to be the greatest source of danger in the early days of our occupation of the island; especially was this true of yellow fever. Tuberculosis, smallpox, leprosy and glanders were also sources of alarm, but not to the extent of either yellow fever or malarial fever, and toward the control of these latter fevers our principal efforts were directed, with the result that malarial fever was soon well under control and ceased to be a serious cause for alarm. Especially was this true of the pernicious type of malaria, which appeared among the troops in the field during and after the siege of Santiago. General malarial fevers, although a serious cause of sickness, were gradually becoming less and less alarming.

The method of dealing with malarial fever was the complete isolation of the patient in premises closely screened with fine wire screening, in order to protect the patient from mosquitoes, and in thus protecting him, the inoculation of the mosquito and the subse-

quent spread of the disease among neighboring individuals was prevented. With yellow fever, the situation was different. The old theories in regard to the treatment of this dread disease were the theories upon which we worked in our endeavors to check yellow fever in Cuba during the first two years of our occupation. We believed that it was a filth disease largely and due to unsanitary conditions. Practically, the results obtained by this method of procedure were *nil,* so far as controlling the disease was concerned. It did result, however, in better sanitation, in reducing the general death rate, etc., but yellow fever appeared and continued in spite of our vigorous cleaning measures.

A most virulent epidemic broke out in Santiago during the summer of 1899, and was controlled only by the most extreme measures, involving the removal of all non-immunes from the city, closing of all infected houses and liberal cleaning of the city with fire and disinfectants, and the isolation of all persons with the fever. All infected material was burned, vaults and cesspools were cleaned and saturated with kerosene and fired. Disinfection was carried to the extent of sprinkling the streets with a solution of corrosive sublimate. Triple disinfection at suitable intervals was carried out in all infected houses. Regulations were promulgated to the effect that all infected houses should be subsequently inhabited by immunes only. Ships were forbidden to approach the piers, and non-immune passengers were prohibited from landing in the city. Headquarters and troops were sent to high ground fifteen miles inland. These measures were effective, as above stated, in removing all susceptible persons and in checking the disease, which was finally stamped out. Non-immunes were not allowed to return until the yellow fever season had passed. When this epidemic broke out, Santiago was as clean as a town can be kept. There was absolutely nothing in the condition of the city itself to account for the outbreak of the yellow fever. Methods such as were employed in Santiago are feasible in small towns or in cities of 40,000 to 50,000 people, as in Santiago, in times of great emergency, but they could not be effectually employed in a city the size of Havana without seriously and permanently injuring the commerce and industry of such a city.

In the spring and summer of 1899 there were few deaths from yellow fever in the city of Havana. General Ludlow had inaugurated a most thorough and efficient system of cleaning the city, and it was

believed that such measures would be effective in keeping out the fever. As a matter of fact, however, the fever was continually present during this period, but there was in Havana comparatively little non-immune material.

In the fall, however, Spanish immigration began, and during the fall and winter approximately 12,000 Spanish immigrants arrived at the port of Havana, about one-half of this number remaining in the city. The result was that in December there was, for that period of the year, a serious outbreak of yellow fever which lasted throughout the winter and increased in the spring and summer months and, although it was kept within bounds by most thorough and systematic house to house inspection and careful supervision of all sick persons, combined with the immediate removal to the yellow fever hospitals of all persons, without regard to class or position, who were taken sick with the disease, still there were in Havana approximately 1,400 cases of yellow fever during this summer. The existence of this condition in a perfectly clean city, compelled those who looked beneath the surface to realize that the spread of yellow fever could not be controlled simply by cleaning and disinfecting methods.

During the summer of 1900, the fever appeared in the garrisoned towns of Pinar del Rio and Santa Clara. The sanitation of these towns was under military supervision, and there was nothing in the condition of the towns themselves to account for the outbreak of the fever. Troops had to be sent out into camp and rigid local quarantine measures inaugurated. In this manner the spread of yellow fever was checked. The loss of officers during these epidemics was very serious, and there was also considerable loss of life among the enlisted men and civilians. In short, the situation was one of great discouragement. It was perfectly evident that we could control the disease in the small towns by controlling the local non-immunes and cutting off intercourse with infected districts, or, in extreme measures, doing as has been done in Jamaica, that is, to send the non-immunes to the mountains above the fever level.

Affairs were in this condition when a systematic investigation of yellow fever was undertaken by Drs. Reed, Carroll and Lazaer. These officers took up the work in a very thorough and conscientious manner, starting at the point previously reached by Dr. Findlay. They accepted Dr. Findlay's idea that yellow fever was transmitted

by a mosquito. After several preliminary investigations, Dr. Lazaer submitted himself as a subject for an experiment for the purpose of demonstrating that the yellow fever could be transmitted in this way. He was inoculated with an infected mosquito, took the fever and died. Dr. Carroll was also bitten and had a serious case of yellow fever but, fortunately, recovered.

The foregoing was the situation when Doctors Reed, Carroll and Kean called at headquarters and stated that they believed the point had been reached where it was necessary to make a number of experiments on human beings and that they wanted money to pay those who were willing to submit themselves to these experiments and they needed authority to make the experiments. They were informed that whatever money was required would be made available, and that the Military Government would assume the responsibility for the experiments. They were cautioned to make these experiments only on sound persons, and not until they had been made to distinctly understand the purpose of the same and especially the risk they assumed in submitting themselves as subjects for these experiments, and to always secure the written consent of the subjects who offered themselves for this purpose. It was further stipulated that all subjects should be of full legal age. With this understanding, the work was undertaken in a careful and systematic manner. A large number of experiments were made. The general details of these experiments and the results obtained are now matters of universal knowledge among members of the medical profession and sanitarians.

The Stegomyia mosquito was found to be beyond question the means of transmitting the yellow fever germ. This mosquito, in order to become infected, must bite a person sick with the yellow fever during the first five days of the disease. It then requires approximately ten days for the germs so to develop that the mosquito can transmit the disease, and all non-immunes who are bitten by a mosquito of the class mentioned, infected as described, invariably develop a pronounced case of yellow fever in from three-and-a-half to five days from the time they are bitten. It was further demonstrated that infection from cases so produced could be again transmitted by the above described type of mosquito to another person who would, in turn, become infected with the fever. It was also proven that yellow fever could be transmitted by means of intro-

duction into the circulation of blood serum even after filtering through porcelain filters, which latter experiment indicates that the organism is exceedingly small, so small, in fact, that it is probably beyond the power of any microscope at present in use. It was positively demonstrated that yellow fever could not be transmitted by clothing, letters, etc., and that, consequently, all the old methods of fumigation and disinfection were only useful in so far as they served to destroy mosquitoes, their young and their eggs.

With the establishment of these facts, was inaugurated an entirely new method of dealing with yellow fever, a method very similar to that adopted in the treatment of malarial fever cases, only carried out much more thoroughly.

Yellow fever cases, as soon as discovered, were carefully isolated in premises inclosed with fine wire screens, and further precautions taken to prevent the mosquito from coming to them. The houses in which cases had occurred were sealed up and filled with formaldehyde, or other gases, for the purpose of killing all mosquitoes. The same was done with neighboring houses. The effect of this method of dealing with the disease was at once apparent. The fever was checked and brought to an end at a time of the year when it is usually on the increase. This was accomplished in spite of the fact that a large number of non-immunes arrived in Havana and other parts of the island. The disagreeable and costly process of disinfection formerly in use had been practically done away with. The means at present employed is much less destructive to property and much less annoying to the people.

Cuba is now free from yellow fever, and has been so for a considerable period. There has not been a case originating in the east end of the island for three years; and none in Havana for more than a year. No epidemic of yellow fever has appeared in the southern states in all that time.

Yellow fever has continued at Brazilian, Isthmian, and Mexican ports, and against the ports of these countries Cuba has maintained a rigorous and effective quarantine, with the result that no cases have gotten into the island from this source. Quarantine stations have been well provided, and there is every reason to believe that, with the co-operation of the authorities of other infected areas, it will be possible to obliterate yellow fever as a disease from the island of Cuba and from America.

The work of the commission, of which Dr. Reed was the president and directing spirit, is of the greatest importance to humanity at large. No medical discovery of equal importance has been made since the days of vaccination; and, as time goes on, the immense value of the work done, principally by this officer and his incidental associates, will receive that degree of appreciation and recognition which it so justly deserves.

The following quotation from the last report of the Chief Surgeon illustrates the sanitary results attained among the troops, and results almost as good were attained among the people:

"The health of the troops in this department has been remarkably good, having progressively improved since the first year of the occupation, 1898; the sick report of 1898 was very large, giving reason to believe that the health of the American troops serving in Cuba would be just as bad as that pictured in the darkest years of the English service in the West Indies in former times, but the health conditions of the troops have been improving year by year until this year, when it is believed that the health rate will be better than that of the army either in the United States or in any of our foreign possessions.

"The statistics in the report published by the Surgeon-General, for comparison, for the fiscal year ending June 30, 1901, bring the tables down to December 1, 1900.

"The admission rate for the fiscal year, in Cuba, ending June 30, 1902, if the rate for the first ten and two-thirds months be kept up, would be 1,575; that for the whole army for the calendar year ending December 31, 1900, was 2,312, and for the Pacific islands 2,622. The cases in Cuba seem to have been of very much milder character, the total death rate from all causes being only 3.82, while that of the army at large was 22.74, and for the Pacific islands 28.75. In Cuba the total number of deaths for the ten and two-thirds months ending May 30, 1902, was 14. Of these 14, 8 were deaths from violence, leaving 6 due to disease. This would give a rate for disease of only 1.67, which is very much lower than that in the territory of the United States in any other part of the world.

"The army at large has a rate of 15.79, and in the Pacific islands 20.26. The lowest, with the exception of Cuba, was continental United States, with a rate of 4.83. This means that the chances of a soldier dying from a disease in the United States were three times greater than in Cuba.

"Taking the individual diseases, the tables show an equally favorable condition of affairs. In malaria the admission rate for the army at large was in the neighborhood of 700 per 1,000; in Cuba 186 per 1,000. Last year in Cuba it was 473. This decrease is believed to be due to the measures taken at the various posts to destroy mosquitoes and to protect men from their bites. The admission rate for yellow fever last year was 29 per 1,000. This year there was but one case. The rate for typhoid fever was about one-fourth

of what it was last year. The percentage of admission for the fiscal year ending June 30, 1901, was .37. Number of deaths, 5. In venereal diseases there has been a considerable decrease, but not so great as the other diseases mentioned. Alcoholism has increased from 31 to 44 per 1,000. Not a single case of smallpox occurred among the troops during the year, nor, for that matter, in the whole island."

Hospitals and Charities

The old laws governing hospitals and charities in Cuba had been drawn upon generous and humane lines, but were inadequate to the conditions existing at the time of the occupation of Cuba. Not only was this true, but a condition of inefficiency, bad management, and careless administration had been established little by little until the administration of institutoins had fallen into a chaotic and generally disreputable condition. Those in charge of the charitable institutions were entirely unfamiliar with the work at hand. Their methods were primitive and their administration of institutions was devoid of all those sanitary and hygienic features to which so much attention is given at the present time. Generous endowments had been badly administered and revenues were being absorbed by the expenses of boards of management, attorneys, etc. Filth diseases were the rule instead of the exception, among the inmates of institutions, in short, the whole system was unqualifiedly bad. The conditions of suffering were such that our first efforts were hasty and directed principally against the correction of the worst abuses and the preservation of life. Large temporary hospitals were established in many places and put in charge of either surgeons of our army or native physicians of ability.

A very large number of asylums for children were opened in all sections of the island. Orphan and destitute children were assembled in these institutions, fed, and maintained in a healthy and cleanly condition and gradually returned to relatives who were able to properly care for them, or placed out in families. Early in the occupation a large amount of work was done by the Red Cross Society, but by far the greater portion by the insular government. The work of the Red Cross Society lasted only during the first fifteen months of the occupation, and afterwards their establishments were turned over to the insular government, in some instances, with considerable debts unpaid.

Little by little the smaller institutions were absorbed by the

larger ones, with more thorough and permanent equipment, which had been established in the larger towns. Permanent institutions on a large scale were established in Havana, Guanajay, Aldecoa, Compostela, and Santiago de las Vegas. Those at Guanajay and Santiago de las Vegas were for boys, and those at Aldecoa and Compostela were for girls. The schools at Guanajay and Aldecoa are correctional schools; the others are training schools for boys and girls. These four permanent institutions were thoroughly equipped with all necessary appliances for teaching useful trades and occupations, and were established with the intention of maintaining them as permanent state institutions.

In addition to these, there were numerous other institutions comfortably equipped but with no view to permanency. All these latter class of institutions have long since been absorbed by the larger ones or have disappeared entirely, the children having been, as a rule, placed out in desirable families under conditions which insure their proper care and education. The inmates of the four larger schools above referred to represent the children still undisposed of. The measures adopted for the care, protection and disposition of orphan and destitute children have been most beneficial and have furnished a solution of the problem presented, and the conditions now existing are very satisfactory. The number of orphan and destitute children now being cared for by the state is comparatively small, and steadily decreasing. The general principle which has governed in the disposition of children has been to avoid institutionizing children and the adoption of the plan of placing them out in families where, under proper supervision, they will become useful members of the community rather than units in a large institution in which all individuality is lost.

There are also a considerable number of institutions for the care of the aged and infirm. These institutions have been reorganized and their revenues turned into proper channels.

First class hospitals have been established in the large towns of each province. Training schools for nurses have been established upon lines corresponding very closely to our own training schools for nurses.

The insular government, as transferred, was maintaining asylums and hospitals having in the neighborhood of 5,500 beds; all well equipped, carefully adminstered, and thoroughly up to date

in every particular. It can be safely stated that the system of charities and hospitals is fully on a par with the system existing in this country.

The general law governing charities and hospitals was written by E. S. J. Greble, Captain U. S. A., with the assistance of Mr. Homer Folks, of New York State Board of Charities. Under this law, special attention was given to the protection and care of the insane, whom we found to be in a most dreadful condition. New and stringent regulations looking to their protection and proper treatment were rigidly enforced. All the insane were assembled in the State Hospital for the Insane in Havana, a large institution containing some nine hundred inmates. This institution is still far from perfect, but very extensive improvements have been made costing in all between four and five hundred thousand dollars, and the inmates are well taken care of and humanely and properly treated.

Public Works

A new law of Public Works was written closely following the lines of public works administration in the United States. The department was carefully reorganized and well equipped with machinery and tools. The whole department was under the direction of the Secretary of Public Works, an official who was a member of the insular cabinet. The island was divided into six provincial public works districts, each under the direction of a chief who received instructions from the head of the department. Under each provincial chief were numerous subordinates in charge of separate works. Allotments of funds were made for approved projects, and nearly all of the work was done by contract. The principal work of the department was road and bridge building for the purpose of opening up connection with the rich agricultural districts and transportation by land and sea; the improvement of harbors, building of lighthouses, construction of school houses and repair to public buildings, as well as many other necessary works.

Much was also under the charge of the military officers, which consisted principally of sanitary engineering work; also a large amount of road and bridge building in the vicinity of garrisoned towns; construction of school houses; construction and equipment

of hospitals, and especially, engineering and sanitary work in the cities of Havana, Santiago, Matanzas, Cienfuegos, etc.

The total amount of money expended under the head of Public Works, and sanitation (mostly sanitary engineering work) was in round numbers, $15,000,000.

Department of Posts

A thoroughly organized Post Office Department was established in Cuba, consisting of 300 post offices with the requisite officials and employees. The only serious and thoroughly scandalous misconduct occurring during the military occupation took place in this department. The principal offenders, after many difficulties, were tried and convicted. The loss to the Cuban government was probably in the neighborhood of $200,000, but the exact amount will probably never be definitely known. The trial showed that the whole affair was deliberate and well planned. The friends of the convicted officials flooded the island with reports that the pardon of these men would be acceptable to the people of the United States, and they were included in the general pardon of American offenders. The affair was most scandalous and disreputable, but, fortunately for the government of intervention, the ill deeds of these people were largely forgotten in the excellent administration given to the department by Mr. M. C. Fosnes, who succeeded in charge of the department, and brought it to a condition of great efficiency. At the time of the transfer, it was within 10 per cent of being self-supporting—a remarkable showing when it is remembered that 70 per cent of the people are illiterate and unfamiliar with the advantages of a modern postal system, and that the rates of postage are the low rates in force in this country.

Telegraph and Telephone Service

An extensive and thoroughly efficient telegraph and telephone service was built up under the direction of officers of the Signal Corps of the army serving temporarily on the staff of the Military Governor as insular officers. This service reached every town of any consequence in the island, and was connected with many of the smaller ones by private telephones. An enormous amount of business was transacted by the lines which, although not self-supporting, yet would have been more than so had the service been credited with

the government business it transmitted. It was a great convenience to business houses throughout the island as well as to the judges and the rural guard. The total cost of the establishment and maintenance of the lines was approximately $800,000, for the entire period of the occupation. The cost to the government, had its work been done at the current rates charged by private telegraph lines, would have fully equalled the entire cost of the establishment and maintenance of the lines.

Customs Service

The Customs Service was organized by Brigadier-General Tasker H. Bliss, and rendered most efficient service throughout the occupation. Revenues were collected at a price which compares favorably with the cost in the United States. There were almost no losses in this service. Costly equipment, in the way of revenue cutters, launches, boats, etc., was provided, and the system in force was essentially the system employed by the United States. The service covered all portions of the island and was most creditable in every particular. In this department, as in all others, work had to be commenced at the bottom, and everything bought new.

Accounting and Auditing

A modern system of accounting and auditing was established and maintained. Payments were made by check, and disbursements made only through authorized disbursing officers. The work of this department was difficult and exacting, and called for the establishment of an entirely new system of accounting and auditing, and the education of the people to use it. I can only refer to the system here but its results were excellent and far reaching, and the insular government was able to render to the Congress of the United States a full and complete statement of every penny collected and spent and to present the original vouchers for the same.

Church Property

The church property question has been taken up and settled. This question arose at the time of the transfer of the government of Cuba to the United States. The situation can be briefly stated as follows:

From 1837 to 1841 Spain secularized church property in many of her possessions. This act led to protracted controversies between Spain and the Holy See, which resulted in the Concordat of 1861, in which Spain agreed to return the church property which had not already been disposed of permanently, by sale or otherwise, and what she held for government or other purposes, she agreed to pay, and did pay for forty years, a rental which amounted to a little over $500,000 per annum.

Upon our taking possession of Cuba, we failed either to pay the rental or to return the property, and the contention of the Church, briefly stated, was: "Give us our property, or pay us for the use of it." Extensive and careful investigation, by means of judicial commissions, resulted in ascertaining that the claims of the Church were substantially as stated, and were just and fair; accordingly, steps were taken to reach an agreement concerning the property in question. The state purchased outright all "censos" and "capellanias" (forms of mortgages), and paid for them prior to the withdrawal of the Military Government. The sum paid for these was $951,-236.97.

An option, for five years, to buy any or all of the real property was obtained, and the state agreed to pay an annual rental, amounting to 5 per cent of the agreed value of urban and 3 per cent of the agreed value of rural property. This rental amounts to $91,027.50 per annum.

The attitude of Bishop Sbaretti, representing the Holy See, was extremely fair and reasonable, and the settlement reached was for approximately one-third of the original claims, which amounted to over $7,000,000, or about the same as the property in dispute in the Philippines. The question is settled, and the Cuban government has a straight business proposition before it, which it can accept or reject as it deems best.

Mortgages.—An agreement between creditors and debtors was reached and put into operation. A great many rural estates in Cuba were heavily mortgaged, and the time for foreclosure was at hand; and there seemed to be danger of a general panic. To avoid this, creditors and debtors were brought together in conference, and after considerable discussion, an agreement was reached whereby settlements were to be made on a four-years' basis, and accrued

interest was to be gradually paid off. Interest, subsequent to this agreement, was fixed at 5 per cent as against a previous interest of 12 to 18 per cent in many cases, sometimes more. This agreement has given general satisfaction and has done much to steady the situation.

Railway Law.—A new railway law, on modern lines, has been drawn up and put into operation. This action was made necessary because the railroads conducted themselves in a manner prejudicial to public interests, and the existing law was without means to control them. The new law was drawn with great care and embodies the best principles of modern railway law.

Undivided Estates.—Regulations having the force of law and governing the division of common lands and undivided estates have been put into operation, with a fair prospect of a gradual settlement of this vexatious question, which has been before the Cuban people for over two hundred years.

Marriage Laws.—At the time of my appointment as Military Governor, I found the entire religious element of Cuba deeply shocked and grieved over the marriage law which had recently been promulgated and which recognized as legal only such marriages as were performed by judges and absolutely threw out of consideration all marriages performed by the clergy.

Steps were taken to correct this lamentable condition, and a marriage law was drawn up and put in force giving equal rights to the duly ordained clergymen of all denominations, calling upon them to perform not only the duties of their church but also the duties of a civil marriage officer; in other words, to fill out not only the papers required by the church to which they belonged, but to also fill out the forms required by the civil law.

The essential features of this law were suggested and submitted by Bishop Sbaretti, the Roman Catholic Bishop of Havana, and embodied the first formal recognition in the marriage law of religious denominations other than the Roman Catholic.

The new law is giving entire satisfaction. Marriage fees have been reduced to a minimum, are within the reach of all classes, and the condition of common-law marriages, which has been so rapidly becoming general in the island—which the cost of the religious marriage and the aversion of the people to the civil marriage had brought about—is now rapidly passing away. Every opportunity

has been given to inscribe and legalize these common-law marriages and to legitimatize the children.

Quarantine.—Quarantine and immigration laws have been written and put into force very closely resembling United States quarantine and immigration laws.

Constitutional Convention.—The Constitutional Convention has been elected and convened, and a constitution framed and accepted; an electoral law adopted for the election of officials of the Cuban republic; and, in short, the general administrative law of the land has been rewritten, and all steps incident to the establishment of a type of government unfamiliar to the people have been taken and carried to completion. The law of the land, in the general sense of the word, has been but little changed, but the procedure has been radically improved. The writ of habeas corpus has been made a feature of the law; police courts have been provided, and the accused have been surrounded with many protections heretofore unknown.

The Government as Transferred.—The government was transferred to the Cuban people exactly as promised, with no debts but, of course, some current liabilities for public works in process of construction, and with $1,613,000 free for allotment. Approximately 97 per cent of the officials were Cubans, and they proved loyal and efficient and honest. The courts of justice were entirely in the hands of the people. The attitude of the Spanish element was always friendly. They represent the bulk of the business interests of the island. They are people of order, and make excellent citizens.

Cuba has been given an excellent start. What she needs now is the establishment of good economic relations with the United States. In other words, a reasonable degree of reciprocity. Her purchases have been in the neighborhood of $68,000,000 per year, and with confidence and stimulation to business which will come with reciprocity, we shall have—if we have the good sense to take steps to establish reciprocal relations which will in addition give Cuba herself a chance to live and carry out the obligations we have put upon her—in all probability, in from five to eight years, $150,000,000 to $200,000,000 per year of trade.

The powers of the Military Governor were absolute in every particular, and yet there was but one instance of a reversal of the action of the native court; this exception being for reasons which were published in full in the *Official Gazette* in Havana, and which

met with general approval. The basis of the action taken by the Military Governor in this case has since been adopted as a basis to govern in similar cases. The courts have been untrammeled in the exercise of their authority, and the municipalities have been governed by officials elected by the people at the polls.

Summary

The government was transferred as a going concern. All the public offices were filled with competent, well trained employees; the island was free from debt and had a surplus of a million and a half dollars in the treasury; was possessed of a thoroughly trained and efficient personnel in all departments; completely equipped buildings for the transaction of public business; the administration of justice was free; habeas corpus had been put in force; police courts had been established; a new marriage law on lines proposed by the Roman Catholic Bishop of Havana, giving equal rights to all denominations was in operation; the people were governed, in all municipalities, by officials of their own choice elected at the polls; trials in Cuban courts were as prompt as in any state of the Union, and life and property were absolutely safe; sanitary conditions were better than those existing in most parts of the United States; yellow fever had been eradicated from the island; modern systems of public education, including a university, high school and nearly three thousand seven hundred public schools had been established; also well organzed departments of charities and public works. The island was well supplied with hospitals and asylums, beggars were almost unknown. A new railway law had been promulgated; custom houses had been equipped and thoroughly established; the great question of church property had been settled; a basis of agreement between mortgaged creditors and debtors had been established; municipalities had been reduced from 138 to 82 in number; public order was excellent; the island possessed a highly organized and efficient rural guard; an enormous amount of public works had been undertaken and completed; harbors and channels were buoyed; old lighthouses had been thoroughly renovated and new ones built; in short, the government as transferred was in excellent running order. The great expense of organization and equipment was borne by the Military Government. At the time of the transfer, government buildings and equipment of every description were in such condition as to be able to render useful

services for years at a small outlay compared to the cost incurred by the Military Government in renovating, building and purchasing the same. The insular government was undertaken without a dollar of public money on hand, except the daily collections of customs and internal revenue, and involved the collection and disbursement of $57,197,140.80, during its existence, for improvements in material conditions and the upbuilding of insular institutions. This sum does not include the municipal revenues, only the general insular revenues.

The work called for and accomplished was the building up of a REPUBLIC, in a country where approximately 70 per cent of the people were illiterate; where they had lived always as a military colony; where general elections, as we understand them, were unknown; in fact, it was a work which called for practically a rewriting of the administrative law of the land; including the law of charities and hospitals, public works, sanitary law, school law, railway law, etc.; meeting and controlling the worst possible sanitary conditions; putting the people to school; writing an electoral law and training the people in the use of it; establishing an entirely new system of accounting and auditing; the election and assembling of representatives of the people to draw up and adopt a constitution for the proposed new republic; in short, the establishment, in a little over three years, in a Latin military colony, in one of the most unhealthy countries of the world, of a republic modeled closely upon the lines of our own great Anglo-Saxon republic; and the transfer to the Cuban people of the republic so established, free from debt, healthy, orderly, well equipped, and with a good balance in the treasury. All of this work was accomplished without serious friction. The island of Cuba was transferred to its people as promised, and was started on its career in good condition and under the most favorable circumstances.

The government of Cuba while called "military" was so in name only. The courts exercised full and untrammeled jurisdiction from first to last. Means of appeal to the Supreme Court of Cuba from the decisions of the Military Governor were provided, in all cases except for appeals against such acts of the Military Government as were of a legislative character, such as the promulgation of laws, etc. Nearly all public offices were filled by Cubans, and the government, as conducted, was as nearly a government by the people as was possible under conditions existing. LEONARD WOOD.

Washington, D. C.

THE NEW AUSTRALIAN COMMONWEALTH

In any description of the present political condition of Australia the federal constitution naturally commands the first place. But students of politics have already had sufficient opportunity of becoming acquainted with the history of the federal movement, and with the structure of the new commonwealth to make it unnecessary to examine the constitution in any detail.[1] To a very large extent the framers of the constitution worked upon existing models; and the principal interest in the new constitution lies in those parts which, departing from those models, express some distinctively Australian characteristic or aspiration, or bear upon the position of Australia in the empire. Moreover, it is above all the economic experiments of Australia—her legislation and administration—which form her principal claim to attention whether of students or of politicians; the activity rather than the structure of her government.

The natural model for the union of a group of British colonies would have been the Dominion of Canada of which the constituent act in its preamble recites the desire of the provinces to be united into one dominion "with a constitution similar in principle to that of the United Kingdom." But the character of the Canadian union was determined by special circumstances both internal and external, very different from any which exist in regard to Australia. The fundamental character of the dominion—the possession of residuary power by the dominion government and the subordination of the provinces to the dominion government—was the natural outcome of the existing consolidation of the provinces of Upper and Lower Canada. In the same way if the policy of "Home Rule all round" were adopted in the United Kingdom, we should expect to find residuary power and some controlling power in the imperial parliament and the imperial government. Again, it must be remembered that the years 1864-67 during which the Canadian Constitution was taking shape, were years full of lessons from the neighboring union. The War of Secession had dis-

[1] The writer may refer to Bryce's Studies in History and Jurisprudence, Essay VIII. Quick & Garran's Annotated Constitution of the Australian Commonwealth; Clark's Studies in Australian Constitutional Law; Jethro Brown's New Democracy; and Moore's Commonwealth of Australia.

credited the principle of state sovereignty, and the victorious states of the North were engaged in re-establishing their constitution upon a basis which greatly increased the central power, and might indeed, but for the restricted interpretation of the Supreme Court,[2] have given to Congress a general controlling power over the states. In Australia, the several colonies had too long enjoyed separate self-government to be ready to part with their independence save in certain definite matters; and the principle laid down in 1891 "That the powers, and privileges and territorial rights of the several existing colonies shall remain intact except in respect to such surrenders as may be agreed upon as necessary and incidental to the power and authority of the national federal government," was never seriously in danger.

On the other hand, the whole course of the nineteenth century has been to raise matters which at the formation of the American Union, could be treated as local and particular, to matters of common national concern. "The fathers of the American Constitution," says Mr. Bryce, "had no wish to produce uniformity amongst the states in government or institutions, and little care to protect the citizens against abuses of state power. Their chief aim was to secure the national government against encroachment on the part of the states and to prevent causes of quarrel both between the central and state authorities, and between the several states." But distance has been constantly shrinking, and divergence of laws and institutions in two great countries where inhabitants have perpetual intercourse, is to-day infinitely more inconvenient than the divergences of custom in neighboring localities a few centuries ago. The nineteenth century has seen the growth of a whole body of laws for the settlement of the conflict of laws and jurisdictions; but it is obviously simpler and more convenient to go to the root of the matter, and establish a uniform law under a central government. Hence the great national states called into existence by the movements of the century have made "the law" to a great extent a national law. In Germany there is a high degree of legal centralization; the legislative power of the empire extends over the whole domain of ordinary civil and criminal law, and this power has recently given a uniform code of laws to the empire. Canada was quite alive to the defects of the United States system in respect

[2] See the Slaughter House Cases (1873,) 16 Wallace 36,

to the criminal and private law, and accordingly vested in the dominion parliament power over criminal law and procedure, over the laws of marriage and divorce and over a large part of commercial law. It is not surprising that, in the number and character of matters assigned to the federal parliament, the Australian Constitution follows the Dominion of Canada rather than the United States. Criminal law indeed is not made a federal matter, but full power is given to provide for the extradition of criminals and for all matters auxiliary to criminal procedure; and over family and commercial law, the power of the commonwealth parliament is even greater than that of the dominion parliament in Canada.

If Australia has borrowed her federation from the United States, her democracy is her own; and the prevalence of the democratic principle in its most modern guise is the predominant as it is the distinctively characteristic feature of the constitution. It is true that in a federal government, the simple democratic plan of pure majority rule must make compromises with the principle of state right. But that is the only compromise which it makes in Australia, and the concessions made to the democratic principle contain many important points of contrast with the Constitution of the United States. The American Constitution was born in distrust of power. To possess power was to abuse it; therefore in devising the organs of government, the first object was less to secure their co-operation than to ensure that each might be a check on the natural tendencies of the other. Large states where the central power is far off, were more dangerous to liberty than small states where popular control was more readily exerted; therefore, central power was to be no greater than was absolutely necessary for security against external attack and internal dissension. The doctrine "Trust in the people" carried the fathers of the constitution but a little way on the democratic road. Direct participation by the people in the ordinary functions of central government seemed equally impracticable and mischievous. The people could at most be choosers, and even here they were to act at second-hand; there was to be a college of electors who would exercise a free judgment in a choice of a president; the senators were to be chosen by the legislatures of the states. Thus the most important offices in the union were to be filled without the pressure of popular clamor. The constitution was accepted not by direct vote of the people, but

by state conventions, and amendments were to be approved rather by the state legislatures or by state conventions. The Constitution of the Commonwealth of Australia on the other hand bears every mark of confidence in the capacity of the people to undertake every function of government. In the constitution of both houses of the parliament, in the relations of the houses, and in the amendment of the constitution, the people play a direct part. There are no intermediaries in the formation of the senate; the electors are the arbiters between the houses; there are no conventions of select men to approve alterations in the constitution. Artificial majorities are not required, though the federal principle requires that for an amendment of the constitution, the majority of voters shall also represent a majority of states, and the representation of each state in parliament and its territory are protected by requiring the concurrence of such state expressed through its electors. The system governing the qualification of members and electors establishes those qualifications on the widest possible basis, and provides that at any election no elector shall vote more than once.

In another notable matter the Australian Constitution differs markedly from that of the United States. In America, the checks and balances devised by the fathers of the constitution were deemed an insufficient restraint of power, and were immediately supplemented by a comprehensive Bill of Rights which secured the liberties of the citizen against attack from the federal government by putting them under the protection of the constitution. More remarkable still in a federal constitution, there were a few provisions protecting the rights of citizens of the states against their own state government. It need hardly be said that this spirit of distrust has so grown that the states' constitutions put many varied rights of the citizens beyond the reach of the legislature, and that the amendments of the federal constitution which followed the War of Secession afford further security to individual right. From the Australian Constitution, such guarantees of individual right are conspicuously absent. When the constitution left the Adelaide Convention in 1897 it provided that no state should make any law prohibiting the free exercise of any religion and that a state should not deny to any person within its jurisdiction the equal protection of its laws. This provision however disappeared, and every restraint imposed by the constitution upon commonwealth, parlia-

ment or state (except the provisions of Section 116 whereby the commonwealth parliament may not make any law prohibiting the free exercise of any religion or establishing any religious test) may be referred to federal needs. An illustration of the guiding principle may be found in the history of the clause prescribing uniformity of commonwealth taxation. When it was found that the clause might be read to protect individuals or classes against discrimination, care was taken to substitute words of geographical description. The great underlying principle is that the rights of individuals are sufficiently protected by ensuring as far as possible to each a share and an equal share in political power.

The history of Australia since the inauguration of the commonwealth with so much pomp and ceremony on January 1, 1901, may best be described by reference to Mr. Rudyard Kipling's account of "The Ship that Found Herself." No sooner was the ship launched than it appeared as though everything remained to be done. The constitution had done no more than provide the power for establishing the organs of government and prescribe their principal functions. All the organs—save the principal executive office of governor-general—had to be established, and each had to learn and to work out for itself in conjunction with the rest, its part in the whole. It was apparent that the constitution was more experimental than had been supposed.

Following the constitutions of the self-governing colonies, the commonwealth constitution provides for a parliamentary executive, and suggests rather than requires the adoption of the cabinet system. A few years ago, there was good reason for doubting the continuance of that system in Australia. The downfall of one ministry after another had undoubtedly a demoralizing effect upon political life, and the great importance of administrative capacity and experience made it intolerable that affairs should be carried on with the ever shifting personnel supplied by parliamentary exigencies. The American system of non-parliamentary executive was not regarded with favor, but in most of the colonies a good deal of attention was fixed upon the Swiss system of a ministry elected by the legislature for a fixed term of years as one which gave security of tenure coupled with responsibility to the legislature, and, as being based on direct election, appeared more essentially democratic than the cabinet system which in a colony rests in point of

form, upon a direction that certain appointments shall be made by the governor alone (*i. e.* not upon the advice of his executive council). In recent years, however, a great change has come over the politics of Australia and New Zealand; long tenure of office and stability of government have superseded the kaleidoscopic movements of a few years ago, and there was no more notable feature in which the convention of 1897-98 differed from the convention of 1891 than in its unquestioning acceptance of the cabinet system.

It is not to be overlooked that there are special difficulties in the application of cabinet government to a federal system. Responsibility to parliament has meant in practice responsibility to the lower house, and has proved practicable only because the upper house has in general accepted the position of a second chamber. In a federal government, the states' house can hardly thus consent to efface itself, and may well demand to be consulted in the formation of cabinets. Hence it has been urged that the cabinet is essentially a feature of unitary government, and is impracticable in a federal government; that a ministry cannot serve two masters—the senate and the house; that if the weakness of the executive is one of the greatest dangers of party government with responsibility to one house, responsibility to two houses would break down the executive machinery altogether, and that responsibility to one house alone means unitary, not federal government. The answer to this seems to be that neither the cabinet system nor federal government is a rigid institution. The liability of the first to change and mould itself to conditions is its one permanent feature and perhaps its principal advantage. Both "federal" and "unitary" governments are commonly mere approximations to a type, and neither necessarily excludes all the features of the other. Of course it is obvious that with two irreconcilable chambers of the legislature exercising co-ordinate power, the cabinet system would break down, and so also would any other system that could be devised. But in the commonwealth the constitution of the two houses is a sufficient guarantee that they will not be in perpetual conflict; and the cabinet system depends so much upon conventions and understandings that it would be rash to declare any development impossible. Two considerations may mark off the federal cabinet from the cabinets of the states. As the senate is bound to be stronger than any existing legislative council, the ministry must be represented

there in strength if not of numbers at any rate of quality. In the second place, in the construction of cabinets and the distribution of offices some regard must be had to the state principle. Both these necessities are recognized in the first commonwealth cabinet. The cabinet consists of nine members, every state contributing one, and the large states—New South Wales and Victoria—contributing three and two respectively. There was great discontent in Tasmania because the representative of that state in the cabinet was only a "minister without a portfolio," *i. e.* without an administrative office. Two members of the cabinet are in the senate, and one of these is the vice-president of the council, than whom no man in Australian politics has a higher reputation for capacity and strength of character. Doubtless the claim for state representation in the cabinet will become less powerful in time, but it must retain some force. Those considerations probably point to large cabinets, since the prime minister will be as little able as in a unitary government to leave out men who are individually able or influential.

Of all political institutions cabinet government is one of the most difficult to reproduce, and it is peculiarly difficult to transplant it to a new state where there are no strong party ties, few political associations, and none of that selection in parliamentary conflict from which the system takes its life. It was fortunate in the case of Australia that the choice of a prime minister was easy; but still a cabinet had to be formed of men who in some cases had little or no personal acquaintance with each other, and who had little political affinity. That circumstances pointed to a cabinet formed principally of men who, having filled for long terms the office of prime minister in their state, might strengthen it by ensuring administrative experience and parliamentary capacity, but hardly promised that unity of expression and action, and of subordination to a common chief which experience has shown to be among the cardinal features of a durable cabinet. After nearly two years, it is still complained of the Barton ministry that it is a group of ministers, each supreme in his own department, but without that sense of unity which the term cabinet has come to imply.

The Working of the Constitution.—As soon as practicable after the proclamation of the commonwealth, writs for the election of a parliament were issued. For the senate the members were elected by each state as a single constituency; for the house of representa-

tives, by single member constituencies except in South Australia and Tasmania where the election for the house as for the senate was by the whole state. The elections did not bring out any very marked feature; the declared policy of the ministry on the tariff which was the important work before parliament, encouraged the belief in a compromise between the views of the protectionists and those who were in favor of a revenue tariff. The candidates were in nearly all cases men already known in political life as present or past members of the state parliament or as candidates for state parliaments. In some instances the contest brought out a very large number of candidates especially for the senate. In New South Wales there were no fewer than fifty candidates for the six vacancies. It is too soon to generalize as to the effect of election by *scrutin de liste* in Australia; but one or two things are obvious. It places enormous power in the hands of any active political organization, as was shown by the success of the labor party in Queensland, or of an influential newspaper, as was shown in Victoria. Where neither of these forces is operative it appears to invite a large number of people to "try their luck" in a contest which may be conducted without either the hard work or the expense of fighting an electoral district in which the candidate may come into personal contact with a large proportion of the electors. The elector is puzzled to make his selection in the long list of candidates and the result is that mere notoriety, however obtained, has a very decided advantage.

Owing to the electoral laws of some states, and the defective state of the electoral rolls in all, it is impossible to show the extent of political interest by a comparison of the number of votes cast with the number of registered electors; but it is certain that the first commonwealth elections excited less interest than do state elections. On the whole, the commonwealth parliament differs not at all from the state legislatures save as they differ from each other. Its members are drawn from a very wide range of occupations. An attempt has been made to ascertain the occupations of the members of the house of representatives, and it appears that it includes eight pastoralists, three farmers, six "connected with mining," three miners, three manufacturers, six merchants, nine agents and accountants, three surveyors, five journalists and one of each of the following occupations: medical practitioner, compositor, hatter, railway

worker, carpenter, watchmaker, minister of religion and hotel proprietor. It is said that one-fourth of the members are lawyers, but the house may have less of a legal tone than might be expected from the fact for more than one reason. In the first place those lawyers who are engaged in the active practice of their profession are necessarily very irregular attendants at the debates; in the second, a large number of Australian lawyers have also had experience in other occupations. This latter consideration is one which applies with some force to other classes of members; in a new country there is a large class who have been everything by turns. One able and prominent member of the labor party describes himself as having been in England a teacher and in Australia "a drover, farmer, blacksmith, oven-mender, bicycle repairer, bookseller, etc.;" he is now a law student. It must be remembered also that there are many cases in which occupations are nominal rather than real and where the truest descriptions would be "politician" simply. The labor members in most cases had ceased to be workers at their trade and had either been members of state parliaments or union officials before entering the commonwealth parliament. In general, the commonwealth parliament contains a sufficient number of the leading politicians of the states to furnish it at its best with more than the average ability of the state parliaments. On the other hand, the average member is quite undistinguishable from the average representative in the states legislatures, and there is a "tail" in the commonwealth as in the states. Many of the ablest men in parliament too are necessarily (as has been observed of the lawyers) irregular in their attendance; and the result is that the ordinary debates are far from fulfilling the hope of a parliament which should display the highest political capacity of Australia. Certainly the high level that was attained in the convention has not been maintained in the parliament.

For reasons which have been already referred to, however, it is perhaps hardly fair to judge the parliament by its first session. Still, a certain anxiety as to the future is justifiable. The long and frequent absence from the centre of their affairs which the parliamentary life of the commonwealth involves for all members from states other than that in which the parliament sits, is a sacrifice which few business or professional men will be able to make; and the £400 a year with traveling allowances which a member is paid

will be insufficient to compensate such men for their loss. Already one hears the declared intention of many members not to seek re-election. The conditions point to a parliament of men sufficiently wealthy to be able to entrust the active management of their private affairs to others, and of men to whom the salary of a member of parliament is an attractive livelihood. Even in the first session, the regular attendance of the members of the labor party has been an important factor in the parliament.

It has been already remarked that amongst people accustomed to the elasticity of the British constitution and of the colonial constitutions modeled thereon, a written constitution though rigid in form is not likely to be exhaustive nor to prevent the play of political forces establishing conventional rules; and it may be anticipated that the working out of constitutional relations both between the different organs of the commonwealth government and between the commonwealth and states will be effected at least as much by such understandings as by the decisions of the courts.

The possibilities of development by usage within the law of the constitution, even the variation of the law itself in those matters—and they are not a few—which are conclusively determined by the action of the political organs, are fully realized in Australia; and the whole of the proceedings of the first session of parliament were marked by an anxiety lest by inadvertence or design some false step should be taken which hereafter might be appealed to as a precedent. Leading members of both houses were sufficiently acquainted with British and colonial history to realize the importance and significance of constitutional forces, and were sufficiently courageous to brave the reproach of wasting time on over-technical details.

A difficulty of a kind which illustrates the necessity for "understanding" has already arisen, and it is one which involving the relations of the imperial government to the commonwealth and the states government, is of the first importance. In the United States where the great impelling force of union was the pressure of dangers from without, it has been unquestioned that the union made the states "to the world, one people," and there has been no question that external relations were the charge of the national government alone. In Canada, the union was deliberately planned to secure the subordination of the provincial governments as the

dominion government is itself the subordinate of the imperial government—"as the imperial government to the dominion, so the dominion to the provinces." Accordingly, not merely has the dominion parliament the residuary legislative power, but its executive exercises control by the appointment of the lieutenant-governor of the provinces, and by the disallowance of provincial acts. In Australia, a principal motive of federation was the desire to speak to the home government with a single voice, upon all imperial matters, including of course all foreign affairs, since a colony has no direct relations with foreign powers. The home government also was not less alive to the importance of conducting its negotiations with a single responsible authority. In pursuance of this object, the Draft Bill of 1891 provided that all correspondence between the states and the home government should be carried on through the governor-general, thus clearly making the commonwealth the single department of external relations for the commonwealth and each of the states. In the convention of 1897 however, this provision was abandoned as inimical to the autonomy of the states, and it was considered that the purposes of the union were sufficiently attained by the assignment to the commonwealth of such matters as were Australian in character or in which the policy of Australia was likely to affect imperial interests. Accordingly legislative power was granted to the commonwealth parliament over "naturalization and aliens," "immigration and emigration," "influx of criminals," "the relations of the commonwealth with the islands of the Pacific," and generally "external affairs." The chapter on the judicature provides also that the high court of Australia shall have original jurisdiction in all matters "arising under any treaty," or "affecting consuls or other representatives of other countries." But the legislative power is not exclusive and while the jurisdiction of the high court may be made exclusive, that court is not yet created. In substance the constitution is a distribution of legislative power, and the executive power is being treated as ancillary thereto. Apart from the few administrative departments of the states which are specifically transferred or may be taken over (defence; customs and excise; posts and telegraphs; lighthouses; lightships, beacons and buoys; and quarantine) the executive power of the commonwealth is declared to "extend to the execution and maintenance of this constitution and of the laws of the commonwealth."

This method of distribution is apt enough where the matters dealt with are such as come within the sphere of government only when brought there by legislative action. But external relations are in general outside the sphere of legislation; they are commonly settled by negotiation and the methods used for their determination are essentially those which are available to the executive rather than the legislative organ. Here, the ordinary processes of government are reversed; the question of policy is determined by the executive and it is the legislative action which is ancillary. The federal government from the first assumed that external affairs as a whole, and not merely the execution of legislation thereon were under their control; and one of the seven departments of state established on the day of the foundation of the commonwealth, was the Department of External Affairs, the importance of which was evinced by the fact that its portfolio was taken by the prime minister himself. Very recently, the assumption of the commonwealth government has been challenged by the state of South Australia. The government of the Netherlands having complained of the breach of a treaty in force in South Australia, as to deserting foreign seamen, the colonial office made representations to the commonwealth government on the subject and that government proceeded to make inquiries. The South Australian government therefore protested against this action as an infringement of its constitutional rights, and contended that the external relations of a single state were a state concern, and that neither the legislative nor the executive power of the commonwealth was exercisable except in matters concerning the commonwealth as a whole. The commonwealth government on the other hand contend that the whole spirit of the union makes the external relations of every state a matter of common concern, and that the control of the executive arises from the very nature of the union and not merely as a consequence of the exercise of legislative power. This is a far reaching and at first sight startling contention; its tendency is practically to supersede the direct relations of the home government with the states governments save in matters of form such as the appointment of a state governor; but if the aspiration of an "Australian nation"—"one people, one destiny"—is to be fulfilled, it is hard to see how the general government can permit any organization within its territory to have a distinct "foreign" policy, to involve the whole by its relations with either the home

government or foreign states, or to be controlled in any of its acts by a political superior which is external to the commonwealth itself.

The problem is from its nature hardly to be determined by any tribunal; it belongs to the class of matters in which the rule must be settled by the practice of the political departments.

There is another aspect of federation as a factor in imperial relations. The federation of the Australian colonies was long desired by the home government both for counsel and for action—that there might be a single voice to speak for Australia, and a single authority capable of acting for her; and this entirely coincided with the wishes of the Australian people. But it was also very generally believed in England that united Australia would be more disposed as more able to assume a greater share of imperial burdens, and that the road to imperial federation would be formed by the consolidation of the several parts of the empire into larger groups, with an attendant extension of the political horizon of all. In Australia, however, the federal movement was in no way associated with any scheme of imperial federation, a policy which Australia still regards with suspicion as detracting from her powers of self-government and committing her to expenditure upon unfamiliar objects. The movement was however essentially part of that great nineteenth century movement towards the consolidation of groups upon the basis of nationality. Only the future can show whether the national principle in Australia has received the fullest political expression of which it is capable and what the dominant national principle is to be. While on the one hand, those are greatly mistaken who regard Australian federation as a stretching of the hands to imperial federation, so momentous a step cannot be without influence, the nature of which cannot yet be foreseen, on the greater problem of imperial unity.

The writer has already[3] hazarded the opinion that the development of the constitution of the commonwealth will be guided less by judicial construction than has been the Constitution of the United States. One reason for this opinion is to be found in the character and tradition of Australian courts, another in the political and social condition of the country, another in the comparative ease with which the Australian Constitution can be amended. The Australian colonies have been the scene of many constitutional con-

[3] Constitution of the Commonwealth of Australia p. 332.

flicts but they have been in general political rather than legal in character and have rarely been brought to the courts for determination. Though the colonies have lived under a double legislative authority, the power of the imperial parliament has been rarely exerted and in all cases its supremacy was so well established that no conflict could arise. On the other hand within the colonies themselves, the constitutions have been formed on the imperial model with its plenitude of power and supremacy of the legislature over the other organs of government. Amongst the most common objections to federation was the complaint that a "cast-iron constitution" was a novelty, something essentially different from the parliamentary rule to which the colonies had been accustomed. When constitutional cases have come before the courts, the judges have generally been disposed to take short views; to lay stress upon the fact that such causes were to be determined by no other rules than those applicable to other causes; briefly, to apply "the lawyer's rigor" rather than "the statesman's breadth of view." This tendency has undoubtedly been encouraged by the fact that to a greater extent than in America or in England, the judicial bench consists of men who are without political experience. It has often been remarked that in Australia, as in some other countries, the successful professional man and the mercantile community hold aloof from politics; and at the bar, few men can risk their professional prospects by participation in politics until they have reached an age when professional work demands all their energies and leaves them little time or inclination for another and most exacting occupation.[4] It is greatly to the credit of Australian politicians that the main road to the bench has not been political service; but the absence of political experience and even of anything like a keen interest in and acquaintance with political affairs, must have its effect in the determination of causes in which political results are a factor in the determination of legal issues. The extent of the influence will of course be largely determined by the personal constitution of the high court; but it has been already pointed out that the establishment of the court is likely to be deferred, and in any case public opinion will be very jealous of the appointment of "politicians" to

[4] I am speaking of the past generation. During the last few years, there has been a decided tendency on the part of the leaders of the bar to turn to politics; and the federal parliament includes some of the most prominent lawyers from nearly all the colonies.

the "billets." Again, the legal issues presented to the courts can hardly be of the same supreme importance as those which have arisen in the United States, where again and again the courts have been faced with problems affecting the national security. Finally, the constitution can be amended with comparative ease.

There are not a few persons who, calling to mind the demonstrations which attended the inauguration of the commonwealth and the opening of the first parliament of the commonwealth, and contrasting them with the criticisms of the press to-day, wonder that in so short a time that enthusiasm which called the commonwealth into existence should have given place to what they deem an antagonism to federation and all its works; and for this untoward result are disposed to cast great blame upon the commonwealth government and parliament. In such a matter there is apt to be much misconception and exaggeration. In the first place, the pageantry and festivity of the visit of the imperial troops and of their royal highnesses the Duke and Duchess of Cornwall and York, must not make us forget that federation was accomplished not by a spontaneous national act but as the result of a succession of political conflicts, and that to the last the forces for and against federation in some of the colonies were very evenly matched. It was less that Australia as a whole was enthusiastic than that there was a sufficiently large number of enthusiastic persons to make the movement in the end popular enough to command a majority of the votes. In the second place, federation like every other important political change, raised great expectations of vast and immediate material benefits; and the disappointment of many has been correspondingly great that the impossible has not happened. But perhaps most of all the apparent change of sentiment is due to the fact that the new and complex machine could not settle down to work with the old machinery without a good deal of friction; and it was inevitable that the early years of the commonwealth should offer occasions in plenty, some trifling and some important, for misunderstanding between the new government and the states. Much remains to be done before the real nature of the new union is determined, more before it is realized. As yet, the states governments cannot readily recede from the position they have occupied so long as the guardian of the states' interests and are by no means disposed to leave the protection of those interests to those who are con-

stitutionally entrusted with them—the representatives of the state in the commonwealth parliament. Nor is it singular that public opinion in the states should in general support the action of the states governments and regard with jealousy the action of the commonwealth. It will take time for the people to become familiar with their relation to and their part in the new authority, which at present they are disposed to regard as something external to themselves.

Apart altogether from the question of encroachment of one government upon another, the establishment of federation is bound to have effects upon the constitutions and functions of states governments, if for no other reason than that the principal source of revenue in all the colonies—customs and excise—is now under the sole control of the commonwealth government; and the financial arrangements of the states must now be determined less by the views of policy entertained by the states government than by the action of the commonwealth government which is controlled only by the provision in the constitution whereby of the amount collected from customs and excise, three-fourth must be returned to the states. The states governments are in all cases of course powerless to affect the amount of revenue available for them from this source, and are impressed with the want of attention which their interests are likely to receive from the commonwealth government and parliament. The commonwealth in 1901-2 collected £8,692,750; the income from all sources was £11,087,334 of which not more than £3,681,684 was expended on federal services. The commonwealth government has thus a revenue vastly more than is necessary for its own expenditure, it is therefore unlikely to press parliament to enact revenue duties the sole effect of which is to increase the surplus available for the states, and the abandonment of the government of the tea duty and the kerosene duty in the first session in deference to parliamentary opposition, has at once embarrassed several of the states and aroused fears for the future. The other fear of the states is that the possession of a revenue far beyond its needs may encourage the commonwealth government and parliament to recklessness in expenditure. This is probably a real danger in the future, though the statements made as to actual extravagance by the commonwealth seem almost without exception unfounded. There is growing a strong feeling in favor of the transference of the debts of the states to the commonwealth. Such a transfer would practically absorb

the commonwealth surplus and to that extent check any tendency towards extravagance in the commonwealth parliament; and there would be comparative independence of commonwealth and state finance, each relying solely on the sources of revenue under its own control. It is believed also that a conversion of the loans could be obtained by the commonwealth on terms more favorable than could be expected by any state, and that thus the heavy interest charge would be diminished.

It has been peculiarly unfortunate that the foundation of the commonwealth has synchronized with the realization of the disastrous effects of the drought, and that the necessary adjustments of finance should have to be made at a time when the disturbance of familiar conditions and the shrinkage of resources introduced every element of difficulty into the situation. The expectations of the state treasurers have in nearly every case been disappointed, partly by the failure of sources of revenue relied on, partly by the commonwealth debiting them with a heavier expenditure than had been allowed for. The charge of commonwealth extravagance which has been loud in the land, has been already referred to. It is sufficient to add that in some cases the shortage of which the states complain is the immediate effect of things done or left undone by the states governments in anticipation of the transfer of services to the commonwealth government. The natural tendency of all government expenditure is to increase, and in some cases, notably in Victoria, the recent increase had been very heavy. For this, many reasons were given; the most notable of the new charges was of course that for old age pensions. The whole character of modern legislation is constantly to add new and costly administrative machinery. Moreover, increased expenditure was the inevitable result of some years of stringent and parsimonious economics resorted to to show a temporary "balancing of the ledger." The presentation for the first time of the figures for the whole of Australia in connection with federal expenditure, and the existence of a large deficit in several of the states led first the people and then the government and parliament to see that the maintenance of public credit required sharp measures. It was in Victoria that the "reform" movement began and carried all before it. The labor party was ready to meet the difficulty by a resort to heavier direct taxation; but the classes in the towns on whom direct taxation

would fall joined with the farmers in establishing an organization the most powerful seen in Australia for many years. Their programme was a large reduction in the cost of legislative and administrative machinery and government. The cry was taken up by the press; and a characteristic agitation in which distorted figures and misleading comparisons of course played a part, placed a reform government firmly in the seat of power. A reduction of the number of members of parliament, of the number and salaries of ministers, the dismissal and retrenchment of public servants have either been accomplished or are the orthodox political creed of the moment in most of the states. Some extreme reformers, believing that the commonwealth is the source of all their woes, are in favor of a dissolution of the federal union, and join those who for some special state grievance, threaten secession. Other reformers would abolish the state government and parliament altogether, and grant plenary powers of government to the commonwealth parliament. Neither course is represented by any effective body of public opinion; but it may be worth while to point out certain special reasons which appear to make unification undesirable and impracticable. The very divergent conditions in the several parts of Australia would make uniformity of law and administration impossible unless flexibility and adaptability were sacrificed. To provide for the divergent conditions would involve loss of popular control and would substitute bureaucratic government. And it is just in its vast public service that Australia already finds one of its greatest political problems.

Each of the states of the commonwealth has exercised through its central government a large number of functions such as *education* and *police* which are in many other countries borne by the localities; it has assumed services like the railways which are provided for by private enterprise; it has had a great estate to develop and manage, roads to make, bridges to build, water to supply. The functions of an Australian government are indicated by the titles of several of the ministries unknown in other countries, minister of land, minister of water supply, etc. In addition there is of course the ordinary work of administration common to all governments. Now these conditions have required the employment of large numbers of hands and the result is that a relatively large number of persons is in the employment of the state. The creation of offices,

the filling of offices, and promotions are of course a most obvious means of rewarding political service, averting political opposition, and passing on to the state the obligation of providing for needy relatives and friends of those in power. The more widely spread is political power the more potent will be the forces intensifying these evils. At an early time in the history of the colonies it became necessary to check these influences. And no small part of the history of the colonies under responsible government has been the attempt to remove from political influence those departments of state activity in which it was likely to have the most sinister effects, as in the construction and management of railways. The course taken in regard to the public service has been to establish a system whereby with few exceptions, admission to the public service was through a competitive examination, the higher offices being filled by promotion from the lower ranks. The security of tenure which in England exists only in virtue of a healthy practice is in Australia commonly secured by statute, which establishes the several classes and divisions of the public service and their salaries, and indicates the lines upon which promotions are to be made. The system is worked by a non-political individual or body of public service commissioners, whose duty it is to make arrangements for the examinations for admission whenever the exigencies of the service require new hands; and to make or recommend promotions in the service in accordance with the provisions of the act. The result is that so far as the clerical branch of the public service is concerned, a tolerably sufficient protection is afforded against the evils of political influence, whether in the employment of superfluous hands or in the way of promotions. If the sole object of the public service laws were to guard against gross scandals and to protect the public service and the public servant against sinister influence, the system would leave little to be desired. It is an admirable police system and a fulfillment of the state's function as the creator and protector of rights. We are in fact thrown back upon our older conception of *office* as *property;* the *rights* of the public servants—to pay, to promotion and to privileges—are a matter of continual litigation in the courts,[5] and of debate in parliament and in the press, for under parliamentary government no effort to eliminate

[5] Last year the Supreme Court of Victoria granted a *mandamus* to the Public Service Board calling on them to consider the claims of a public servant to a vacant office. The claim was considered and the applicant appointed.

political influence can or ought to eliminate parliamentary control, and the public servants are a large and compact mass of solid voting power in a country where permanent political organization is almost unknown. The defect of the system is of course that it ignores the fact that the business of the state is a very complex business, which can no more be run on purely negative lines than that of a trading company can be run on the single principle of protecting itself against dishonesty and of doing "justice" amongst its employees. To a very large extent the state has deprived its government of that choice of fit persons upon which the successful conduct of business of every kind principally depends. The average man is deprived of those incentives to industry and zeal which affect the ordinary man outside the service, the baser man of those fears which if he were outside would ensure a decent standard of conduct, the abler men in the service see their promotion indefinitely postponed to the claims of seniority; and the highest posts are apt to fall to men who have no better claim to them than long service in employments which as often as not are of a kind to fit them ill for positions of responsibility. The problem, as was said by the attorney-general for the commonwealth during the debates on the commonwealth Public Service Bill, is how to control the public service by means of statutes and yet infuse into it something of the spirit and energy of private business affairs. It is not surprising that from time to time the people complain that the public service appears to exist for the interest of the officers, and not for the business of the state, and takes its revenge by "savaging" the public servants—in wholesale dismissals and in severe reductions of pay. The position of the public servant has been so much regulated by *law,* his rights so secured by statute, that politicians and the public not unnaturally tend to regard the *law* as exhaustive of his rights and of their obligations towards him, unmindful of the fact that if you intend to continue to employ a person and to trust him it does not pay to govern your relations with him solely by a lawyer's rigor. In fact, neither the parliament, the people nor the public servants—who as a body are devoted to a system which offers regular employment, regular pay and regular promotion—have risen above the conception of the public office as a *billet,* and it is the people who through their representatives have created the present system in order to protect themselves from evils of which they are not without experience.

It has now become part of the settled practice of some of the states whenever there is a difficulty in balancing the ledger, to resort to the salaries of the public servants, and to make graduated percentage reductions, in some cases as much as 15 and 20 per cent. Often the measure is represented as one of clemency, the alternative of dismissals. Every successive attack is of course a new precedent; it can generally be shown that in some other state or at some former time, the reductions suffered were far more severe, and that after all, if a man's salary is reduced on the higher scale it can be only because he is fortunate enough to have one of the better billets. The public service naturally resists and uses the full strength of its political organization against the government which proposes the tax; and then follows a struggle of an unedifying and demoralizing kind between the government and its servants. Sometimes the public servants are successful; and they claim the credit of dislodging more than one government. But in general the public service is aware that a trial of strength on a defined issue is to be avoided—that they may count on the hostility of forces usually latent but which such a contest is likely to arouse. The real strength of the public service in politics lies in its watchfulness and the continuity of its pressure in quiet times, when the political interest of the public slumbers. The result is that, in addition to that lack of efficiency which is one outcome of the Australian system, the relation of the state and its servants is one of alternate squeezes, destructive of the *morale* of the service. One remedy which has been suggested is the disfranchisement of public servants; another the allotment of representatives to the public servants as a distinct constituency. In the small parliaments of Australia—and as has been shown they are likely to be smaller in the future—it is very doubtful whether the latter course would diminish the influence of the service upon politics, for three or four members ready to dispose of their votes to the side which offered their constituents the best terms would often be sufficient to turn the scale. To disfranchise the public servants altogether would be to make a divorce between citizenship and service, which for many reasons is undesirable, while it would deprive the service of all means of protecting itself against attack.[6] And in Australia as elsewhere, there is wide-

[6] Since this was written the government of Victoria has proposed to parliament to assign special representatives to the public servants in both houses of parliament.

spread ignorance of the value of the several kinds of work performed by the state, and a very exaggerated estimate of the emoluments of public servants, and of the economies which can be effected therein without impairment of efficiency. In general the salaries paid by the state for the higher kinds of work are much smaller than those paid for corresponding service of like responsibility by private employers; and amongst the reasons why the state so often falls short of private service in the efficiency of its undertakings must probably be placed the fact that it offers comparatively small rewards to those who have the direction of its functions. But this is not peculiar to Australia.

In all the states the relation between the legislative and executive organ is that which is variously known as "party government," "cabinet government," or "parliamentary government;" even the term "responsible government" has been broken in and specialized so as to imply not merely the self-government of a colony, but that particular form of it which is modeled upon English institutions. It has been more than once pointed out that a country in which there are no well defined party lines and where groups take the place of two organized parties, is ill-fitted for such a system of government, and the instability of Australian ministries until recent years certainly confirmed the opinion. The Australian member has been aptly described as the parliamentary agent of his constituents, he is the medium of communication between them and the central administration, the man who has to do the district's business with the several departments of state. The man who is most expert or who is believed to be most expert in looking after the interests of his constituents is of course the man most likely to be elected. Though there are ministerial and opposition programmes they are not likely to differ greatly from each other; it is the commonest feature of an election that the contest is between a number of candidates professing identical opinions; and often there is much doubt whether the successful candidate will take his seat with the government or the opposition. Once elected, the member is carefully watched by his constituents as an agent by his employers; he is anxious to show himself zealous in their interest; and a significant practice has grown up of intimating any government concession to the district through the member. Even a minister is not exempt from looking after his constituents' interests and it is not

uncommon to see one minister introducing a deputation to a colleague. Great national services will hardly avail the member who has been lukewarm in his district's business. The result is that in parliamentary elections, at any rate in the rural districts, personal and local considerations overshadow party. It is useless to cavil at this; it is the inevitable outcome of a condition of things in which the instruments of the state are the principal factors in production and transport as they are becoming in distribution. The result is that a member is generally very free to determine whether he will support this or that ministry; and that the instability of ministries is not greater, is due partly to the fact that when a man becomes a member he has to choose on which side of the house he will sit and making that choice forms associations which exercise great influence upon his action in parliament, partly to the disposition of modern ministries to treat important matters as open questions, and to accept the decision of the house against their own policy. Recent events in Victoria have been remarkable as indicating at any rate a temporary reaction from this. The ministry brought down proposals for the reduction of the salaries of all civil servants receiving more than £125 a year. A compassionate house struck out the £125 minimum with the intention of fixing a minimum so much higher that the value of the measure as one of retrenchment would have been lost; and it may be noted as a curious fact that the leaders of the opposition voted with the government. The government at once advised the governor to dissolve parliament, and their action in so doing was the subject of surprised resentment on the part of the majority so thoroughly accustomed had they become to the government accepting the decision of the house even in regard to the financial arrangements of the year. The premier put forward a manifesto in which he appealed to the electors to co-operate with him in restoring the once familiar principles of responsible government and ministerial leadership in parliament. A committee of the cabinet was appointed in conjunction with a citizens' league to examine the credentials of candidates and from day to day issued lists of those whom they were prepared to accept as government supporters. The result was the return of a house which for some time at any rate will have to acknowledge the lead of the government.

The character of Australian elections and the prevalence of

local and personal interests therein may seem inconsistent with the fact that Australian parliaments are prolific in legislation and that of a kind which excites the interest of the world. This is due in the first place to the necessity for what in want of a better term, may be described as regulative or administrative legislation incident to the management of the state domain. To a very great extent "socialistic legislation" is inevitable in a country like Australia, whatever the mode of its government—the state is a large proprietor and must develop its estate. In this work many experiments have to be made and no doubt many failures to be recorded. The experiments which have been made in land settlement in Australia cover the whole range from extreme individualism to pure communism; the land laws of New South Wales are perhaps unequaled in complexity by those of any country. It may be added that the attempts to settle the people on the land strenuous as they have been during the last ten years have not been markedly successful; and the proportion of population in the metropolis to the total inhabitants of the state shows no tendency to diminish.[7] But perhaps the principal factors in the legislative activity of the American parliaments is the existence in each of the labor party which with the civil service is the one permanent organized force in politics. Standing outside the familiar array of parliamentary forces, the labor party commonly holds the balance between the government and the opposition. It is drawn almost exclusively from the great cities, and whatever the high sounding aims declared in programmes its practical activity is devoted in the main to a policy of regulative legislation which is operative in the towns and is directed to the promotion of the interests of the wage-earner in the towns. Here it has been the great driving force in parliament and to its influence must be attributed the most distinctive measures of recent years—the Factory Acts of Victoria with their wage boards, the Industrial Arbitration Acts of New South Wales, South Australia and Western Australia, old age pensions, the restriction of alien immigra-

[7] The percentage of population in the capital of the several states in 1891 and 1901 is shown in the following table:

	1891.	1901.
New South Wales	34.22	35.91
Victoria	43.05	41.14
Queensland	22.61	23.83
South Australia	38.70	44.01
Western Australia	15.23	19.66
Tasmania	22.81	19.77

tion, the employment of colored labor. Another political force is that of imitation; the Australian colonies have always had a unity outside any organic arrangements, and the fact that some novelty has been introduced in one state is a force which drives all the rest forward lest they should appear to be behind their neighbors. Finally, no small part of the legislative activity is due to the fact that the parliaments have not only adopted but assimilated the practice of the House of Commons, and have borne with patience the trammels of an intricate system of procedure. It is unfortunate that large numbers of people know the Australian parliaments, as other public bodies, only by reports of occasional "scenes." In general there is great respect for the forms of the house, and the result is an orderly mode of conducting business in which real progress is made.

It remains to say a word on local government. All municipal institutions in Australia have been created from above. It has been already mentioned that education and police are under the central government. A large part of the country is too little developed and too sparsely populated to support local institutions resting on a popular basis. Where local institutions exist outside the large towns, they can hardly be described as healthy, certainly not as vigorous plants. The central government is expected to provide money for all sorts of purposes, and there is in addition a considerable government subsidy which however is being diminished with a view to its extinction. The rating even in the towns is low, and in the country districts the rate small as it is is often struck upon a ridiculously inadequate valuation. A curious fact significant in more ways than one of the lack of vitality in local government, is that notwithstanding the democratic character of the central government, municipal institutions are those of fifty years ago. The electoral franchise is based on the ratable value of property, and generally plural voting according to the value of the property is provided for even in recent acts. The municipal officers including the mayor or president are appointed or elected by the municipal body, of which the members retire by rotation. This state of things exists with very little opposition in a country where such features in the central government have long since ceased to exist or, where they continue, are fiercely assailed. It is probable that the slow development of municipal institutions is to some extent

due to the fact that the central government looms large in the rural district as owner of the land, railways and other sources of wealth which in other countries belong to individuals or corporations, and it is not probable that whenever local government does develop there will be a good deal of friction between the municipality and its too powerful subject, the state. It need hardly be said that federation in itself in no way changes the character of Australia as a land distinguished by the highly centralized character of its government; but it is not unlikely to stimulate local government by forcing upon the localities greater financial responsibility. Hitherto, the Australian governments have had under their control large revenues derived from indirect taxation. Now they will merely receive a balance from the commonwealth government which will in most cases be insufficient for their needs. They will therefore be driven to direct taxation which will generally mean a tax on land. The revenue both of the state and the local government being thus derived from the same source, the localities may be found not unwilling to assume the burdens of local expenditure on account of the greater control which they will secure over it. If this result does follow, and the franchise remains unaltered it is not unlikely that a great change will come over the character of Australian expenditure. In the rural parts especially when men realize that it is their own money they are spending, they will be cautious; and the lavishness of the past may be succeeded by a period of economy if not of parsimony.

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CONSTITUTIONAL GOVERNMENT IN JAPAN

Inasmuch as it is now more than thirteen years since the Constitution of Japan was promulgated,[1] and more than twelve years since the first parliamentary elections[2] and even since the opening of the first session of the Imperial Diet,[3] it is a fitting time to consider what progress, if any, was made during the first decade of constitutional government in that empire. We often see and hear rather uncomplimentary statements about the Imperial Diet, cabinet ministers, political parties, and Japanese political affairs in general; and it is undeniably true that, viewed from the vantage ground attained by popular institutions and constitutional government in most Occidental nations, Japan is still behind. It is not, however, fair to judge her by our own standards; the only just way is to estimate carefully the difference between her former and her present conditions. What then was actually accomplished in a decade (1890-1900)?

The changes which took place in the administration have been as follows:

Premier.	Term of Office.	Duration. Years.	Months.
Yamagata	December, 1889–April, 1891	1	5
Matsukata	May, 1891–July, 1892	1	3
Ito	August, 1892–August, 1896	4	0
Matsukata	September, 1896–December, 1897	1	3
Ito	January, 1898–June, 1898	0	6
Okuma-Itagaki	June, 1898–October, 1898	0	4
Yamagata	November, 1898–September, 1900	1	10
Ito	October, 1900–May, 1901	0	7
Katsura	June, 1901–	—	—

The average duration of the first seven ministries was about one year and a half; and the average was considerably raised by the unusual length of the Ito ministry which covered the period of the war with China, when political rivalries were buried. It should also

[1] February 11, 1889.
[2] July 4, 1890.
[3] November 29, 1890.

be noticed that three of these ministries (both Matsukata and the second Ito) came to an end on account of collision with the Diet; and that two ministries (the first Ito and the "first Party Cabinet" of Okuma and Itagaki) were broken up by internal dissensions; while the two Yamagata ministries came to an end in a comparatively natural and peaceful manner. But, although the average duration of a Cabinet may seem short, it must be acknowledged that the record of Japan makes a very favorable showing when compared with that of France. Of the forty ministries which came into existence there from 1870 to 1900, none lasted more than twenty months, while their average duration was from five to eight months, "according to the season at which they assumed the reins of power." Thus French cabinets are much less stable than Japanese cabinets.

The dates of the opening and closing of each session of the Imperial Diet, and of suspension, reopening and dissolution were as follows:

Session.	Opened.	Suspended.	Reopened.	Dissolved.	Closed.
1.....	Nov. 29, 1890	.....	.....	.....	Mar. 8, 1891
2.....	Nov. 26, 1891	.....	.....	Dec. 25, 1891	.....
3.....	May 6, 1892	May 16.....	May 23 .	.....	June 15
4.....	Nov. 29, 1892	Jan. 23, 1893	Feb. 7 .	.....	Feb. 28
5.....	Nov. 28, 1893	Dec. 19.....	Dec. 29[4]	Dec. 30.....	.....
6.....	May 15, 1894	.....	.....	June 2.....	.....
7.....	Oct. 15, 1894	.....	.....	.....	Oct. 22
8.....	Dec. 24, 1894	.....	.....	.....	Mar. 25, 1895
9.....	Dec. 28, 1895	Feb. 15, 1896	Feb. 25.	.....	Mar. 29
10.....	Dec. 25, 1896	.....	.....	.....	Mar. 25, 1897
11.....	Dec. 24, 1897	.....	.....	Dec. 25.....	.....
12.....	May 19, 1898	June 7.....	June 10.	June 10.....	.....
13.....	Dec. 2, 1898	.....	.....	.....	Mar. 10, 1899
14.....	Nov. 22, 1899	.....	.....	.....	Feb. 24, 1900

The first date is that of the formal opening ceremony, and the last date is that of the formal closing ceremony in the cases where the session "died a natural death." This happens to be nine times out of fourteen, so that there have been just five instances of "death due to violence," or dissolution by the government (three

[4] On December 29 there was a suspension for fourteen days, but on the next day dissolution was announced.

by Ito cabinets and two by Matsukata cabinets). It should, moreover, be noted that there have been six suspensions for what the government deemed unreasonable opposition; but it is also true, though it is not shown in the table, that on a few occasions the House of Representatives suspended its own session by adjourning for a few days to give the government an opportunity to "think" and "come to terms." How successful suspension in either instance, or dissolution, proved to be, will be apparent when we take into consideration later and more in detail each session of the Imperial Diet. Here, however, it is interesting to note that during the first decade no House of Representatives was permitted to serve out its full term of four years.[5] The members elected in the fall of 1894 enjoyed the longest continuous service, of more than three years; while the distinction of the shortest term of service rests with members elected to the Sixth and the Twelfth Diets, each of which sat in session less than one month.[6]

The following is the list of the officers of the House of Representatives:

Session.	*President.*	*Vice-President.*
First	Nakashima	Tsuda
Second	Nakashima	Tsuda
Third	Hoshi	Sone
Fourth	Hoshi	Sone

[5] The members elected in 1898, after the dissolution of the Twelfth Session, were so fortunate as to serve out their full term until the regular election in August, 1902. They suffered one suspension in the Fifteenth Session and lived quietly through the Sixteenth Session.

[6] We append also the record of the subsequent sessions, as follows:

Session.	Opened.	Suspended.	Reopened.	Closed.
15	December 25, 1900	February 27, 1901	March 14	March 25
16	November 10, 1901	.....	.....	March 10, 1902 (Dissolved)
17	December 9, 1902	December 16	December 28	December 28

But we take no particular notice of these sessions, not simply because they do not fall within the first decade of constitutional government in Japan, but especially because they made no contribution toward the solution of the political problems of the day. The Fifteenth Diet was once suspended on a difference of opinion with the government over the Budget, but finally became "amenable to reason." A few months later internal dissensions wrecked the Ito Cabinet, and it was succeeded by the Katsura Cabinet, which, after dissolving the Seventeenth Diet on the land tax question, still holds office.

Session.	*President.*	*Vice-President.*
Fifth	Kusumoto[7]	Abei
Sixth	Kusumoto	Kataoka[8]
Seventh	Kusumoto	Shimada
Eighth	Kusumoto	Shimada
Ninth	Kusumoto	Shimada
Tenth	Hatoyama	Shimada
Eleventh	Hatoyama	Shimada
Twelfth	Kataoka	Motoda
Thirteenth	Kataoka	Motoda
Fourteenth	Kataoka[8]	Motoda[8]

The mere names have no special significance except to indicate who have been, and are, the popular leaders. Mr. (afterwards Baron) Nakashima became Minister to Italy; Mr. Hoshi, after serving as Minister to the United States, again became a leader in the lower house and for a short time a Minister of State, but was assassinated in 1901; Mr. Sone has served as Minister to France, Minister of Agriculture and Commerce, and of Justice, and is now Finance Minister; while Messrs. Kataoka, Shimada, Motoda and Hatoyama are still leading members of the lower house. It is not necessary to state the party affiliations of these officers, because, in most instances, personal popularity or acknowledged ability was an important element in the election. In some cases also, small factions, holding the balance of power, have cast their votes with the minority; or, to use an American political expression, the "field" has been able to combine against the most prominent candidate.

In the fourth table there are not so many changes, because the officers of the House of Peers (nominated by the emperor), hold office for seven years. There were, however, a few changes, due to the transfer of an official to another position; the only regular elections were in the First and the Tenth Sessions.

Session.	*President.*	*Vice-President.*
First	Count Ito	Count Higashikuse
Second	Marquis Hachisuka	Mr. Hosokawa
Fifth		Marquis Saionji
Sixth		Marquis Kuroda[9]
Tenth	Prince Konoye[10]	

[7] First elected Vice-President to succeed Mr. Sone.

[8] Served also in the Fifteenth and Sixteenth Sessions; re-elected in the Seventeenth Session.

[9] Re-elected in 1901.

[10] Re-elected in 1902.

Although the Privy Council is only a deliberative body, and "shall not interfere with the executive," yet, as "the Emperor's highest resort of counsel," it is practically a body of great importance, especially in connection with the formation of new Cabinets. Its presidents, who are Imperial appointees, were (from 1890 to 1900) Count (now Marquis) Ito, Count Oki (deceased) and Count Kuroda (deceased).

A little more detailed investigation of each session of the Imperial Diet will be profitable. It was feared by many that the First Session would develop such antagonism between the government and the Diet as to lead to a serious rupture; but such an unfortunate outcome was averted by tact on both sides. The House of Peers was composed of 252 members, as follows: 10 imperial princes, 10 princes and 21 marquises, having a hereditary tenure of office; 16 counts, 70 viscounts and 22 barons, elected by "the members of their respective orders;" forty-four persons chosen from among and by the highest taxpayers in each imperial city (*fu*) and prefecture (*ken*); and fifty-nine persons, nominated by the emperor on account of meritorious services. Some of these members were incapables, possessing no merit save their rank; some were merchants, whose wealth was their only qualification; some among those appointed for erudition were mere book-worms without knowledge of political science. A curious paragraph, occurring now and then in the newspapers of that time, informed the public that a certain number of men, members of the House of Peers, "had formed an organization for the purpose of investigating the manner of studying political questions!" Nor was this so strange; for as representative institutions in Japan were but in their infancy, it would, of course, be unreasonable to expect the First Diet to be composed largely of tried and experienced legislators. But it is only fair to add that in both houses there were many veteran statesmen and well-versed young politicians, and that the House of Peers has since been steadily growing in reputation and influence. The House of Representatives consisted of an even 300 members, who had a great variety of professions and showed great differences in personal ability and experience. The old *samurai* (gentry) class had 109, and the *heimin* (commonalty) class had 191 representatives.

It was on December 2, 1890, that the House of Peers had the

honor of receiving the first bill ever presented to a National Assembly in Japan—a "bill for the amendment and control of the system of weights and measures." It was on December 4 that Count Matsukata, Minister of Finance, laid before the House of Representatives the first Budget, over which ensued a prolonged and bitter discussion. The government asked for the sums of 70,800,311 *yen* for "ordinary expenditures," and 23,204,082 *yen* for "extraordinary expenditures." The Budget Committee of the House recommended a reduction of about 7,840,000 *yen;* the "Moderates" proposed to reduce 5,000,000 or 6,000,000 *yen.* At one time it looked as if the "Radicals" would surely win and thus provoke the government to dissolve the House of Representatives; but finally a compromise was effected, by which the government consented to a reduction of about 6,500,000 *yen.*

Other important measures passed by the Diet were bills for opening additional ports, for postponement of the operation of the Commercial Code, for reforming weights and measures according to the metric system. One bill, passed by the lower house, but not reached in the upper house, was for the reduction of the land tax.

The Second Session was almost entirely consumed in a bitter fight over the Budget. Fortunately, the appropriation of $500,000 for the Columbian Exposition in Chicago was put through by itself in a supplementary budget. Vain attempts were made to amend the publication regulations, the law for public assembly, and other regulations, in a way to grant greater freedom of the press and liberty of speech. The main strength of the Opposition, which had a good working majority, was spent upon reductions of the Budget; and the government, insisting that the reductions proposed were too drastic for administrative purposes, finally dissolved the lower house on Christmas Day.

The Third Session, which was a Special Session, necessitated by the dissolution of the previous regular session, was marked by two conflicts: one between the lower house and the government on the subject of interference in the election of members of that house; and one between the two houses with reference to the respective powers of deliberation and consent in respect to the Budget. In the former case, as the House by a large majority passed a representation arraigning the government for improper interference in the February elections, the session was suspended

for one week. The dispute between the two houses arose from the fact that the House of Peers made amendments in the Budget sent up from the House of Representatives by restoring some items expunged by the latter. The majority of the representatives contended that the House of Peers, though competent to diminish or expunge items, exceeded its authority when it inserted items, because, according to the constitution, the Budget must originate with the executive, and any new item must be submitted first to the lower house. The upper house, however, insisted that it had equal rights of amendment with the lower house, and not only sent its amended Budget down a second time, but also voted an address to the throne on the question at issue. The Emperor, having consulted the Privy Council, decided that "neither house is superior or inferior to the other except . . . that . . . the lower house receives the Budget from the government before the upper." The particular points at issue between the two houses were afterwards settled by compromise, and the Budget was finally passed on the last day of the session. But once again several important measures failed to get through both houses. In July the Matsukata Cabinet resigned, and was succeeded by an Ito ministry.

The apparently inevitable conflict between the Diet and the government was continued in the Fourth Session, when it took the form of a dispute over what the constitution terms "fixed expenditures," and says "shall be neither rejected nor reduced by the Imperial Diet, without the concurrence of the government." The lower house called for large reductions especially in naval expenditures; but the government refused to entertain the idea, although the Opposition mustered a large majority. Even after the government, by suspending the House had given an opportunity for calm reflection, the Opposition vehemently continued the fight and finally carried by the sweeping majority of seventy-eight an address to the throne impeaching the Cabinet. The Emperor, with the advice of the Privy Council, having carefully considered the situation, critical in the extreme, issued a conciliatory and compromise message, in which he skillfully balanced the censure and the praise on each side and closed by donating 10 per cent of the Imperial Household Allowance,[11] and by directing all civil and military officials (with certain exceptions) to give the same per cent of their salaries, for

[11] Then 3,000,000 *yen*.

six years, to the fund for building men-of-war. The total sum thus obtained was from 2,000,000 to 3,000,000 *yen*.

This spirit of compromise was still further carried out in the remainder of the Budget, which was reduced by about 3,750,000 *yen* on its expense side. The Fourth Diet also passed three important bills, marking long steps in advance in the path of popular rights; these bills effected most desirable amendments in the copyright law, the publication regulations, and the law of public meeting and political association.

In the Fifth Session, Mr. Hoshi, president of the lower house, was accused of unprofessional conduct as a lawyer and of having abused his official position in the interests of certain legislation, and finally not only deposed from office, but also expelled from membership. Later a conflict arose between the House of Commons and the government on the subject of the strict enforcement of the treaties, and led to a suspension for ten days. When the House reassembled, it was deemed by the government to be in the same unconciliatory mood, and was again suspended for two weeks. The following day, however, dissolution was ordered, so that practically nothing of importance was accomplished in that session.

The Sixth Session was short-lived and came to an untimely end, because the House of Representatives passed an address to the throne, impeaching the Cabinet. By this time the situation had become very critical; the Ito ministry stood firm, and the Opposition were aroused by two dissolutions within six months; so that the harmonious co-operation of the legislative and the executive departments appeared almost an impossibility. At this juncture, the war with China broke out and temporarily cleared the political atmosphere. There were, indeed, those who claimed that the ministry was not averse to a war which should divert the minds of the people from politics and unite the nation in a common patriotic cause.

Consequently, when the Seventh (Extraordinary) Session was convened at Hiroshima in October, 1894, it took only a few days to get organized and vote, with unanimity, an appropriation of 150,000,000 *yen* for carrying on the war.

The Eighth Session, which met at the regular time two months later, also passed the Budget with absolute unanimity, and sank all party differences in an earnest effort to support the government in the prosecution of the war.

But a year later, when the Ninth Session met, partisan feelings were again aroused in connection with post-bellum measures, and finally resulted, in the House of Representatives, in a resolution of want of confidence in the Cabinet. This was met by a suspension for ten days, after which that resolution was voted down. This result was due to a coalition between the Cabinet and the Liberal Party (*Jiyuto*), the first in the history of constitutional government in Japan. In accordance with the terms of this alliance, the Liberal leader, Count Itagaki, and other Liberal politicians, were admitted into the Cabinet. But this coalition ministry was soon broken up by internal discussions; and Count Matsukata, with the aid of Count Okuma and the Progressives, organized the next ministry.

When the Tenth Session of the Diet began, it was supposed that the new Cabinet was in a minority in the lower house; but it soon gained the support of a good working majority and put through its measures with remarkable ease and celerity. Although the session was interrupted by frequent recesses on account of the death and funeral of the Empress Dowager, a great deal was accomplished. A national taxation law, a new tariff law, the adoption of the gold standard, a radical revision of the press law and the law of public meetings in the interests of larger freedom, and the Budget, were among the very important measures carried through both houses.

But one year later, when the Eleventh Session was opened, the condition had so materially changed that a resolution of want of confidence in the Cabinet was able to command a good majority, and was on the point of being voted on the second day of the session, when the ministry forced a "dissolution" and then itself resigned. In the following month Marquis Ito was again at the helm, with a Cabinet supposed to be able to command the support of the Liberals.

The Twelfth (Special) Session, however, was not of very long duration. The bone of contention was the subject of taxation: the ministry wished to obtain a larger amount of revenue by increasing the Land Tax; but the Liberals, who in the first few sessions of the Diet had been ardent supporters of a reduction of that tax, did not dare to put themselves in an apparently inconsistent position. The result was that the government was unable to get many supporters

for its bill, and, after one suspension, again resorted to dissolution, in less than six months after the previous one, and then, like the preceding Cabinet, resigned office. Although this sudden end of the session found some important measures left on the docket, yet the income-tax law, the naturalization law, and the revised Civil Code were fortunate enough to get through both houses.

The Okuma-Itagaki "party-cabinet," organized with the support of the new Constitutional Party, formed by the amalgamation of the opposition parties and factions, was soon broken up by internal dissensions; and the new party itself, because it was not a real union but only an amalgamation, was rent in pieces. But the temporary alliance had served its purpose of establishing the principle of "party cabinets;" so that, when the Yamagata ministry was organized, theoretically as a "neutral cabinet," it found itself compelled to make an informal alliance with the Liberals.

The result was that the Thirteenth Session of the Diet was harmonious and "unusually fruitful of legislative works," as one vernacular journal expressed it in its English column. The chief failure of this session was the inability of the two houses to agree upon a new law of election, by which the right of franchise should be largely extended by diminishing the age limit and amount of property qualification. But many important measures were carried through, such as a reform of the local government system, the amendment of the code of criminal procedure, the increase of the land-tax and a Budget calling for *yen* 246,451,706 of expenditures. It is interesting, by the way, to compare these figures with those of the Budget presented at the First Session in 1890, and thus to get a very striking object lesson of the tremendous development of Japan.

The Fourteenth Session was a very tame one, but was distinguished by success in passing a new election law. By this law the membership of the House of Representatives was increased to 376; the districts were rearranged to give urban populations a more adequate representation; the plan of unsigned uninominal ballots was adopted; the limits of an electoral district were extended to include a whole prefecture, except in the cases of urban districts; and the property and age qualifications were reduced, so that the electoral franchise was largely extended.[12]

[12] There are now over 1,000,000 voters in parliamentary elections.

The progress made during the first decade of constitutional government in Japan was considerable. In the first place, popular rights were largely expanded by the removal of most of the restrictions on freedom of the press and public meeting; as much extension of the electoral franchise as seems warranted was accomplished; and popular opinion, as voiced in the newspapers and magazines, was wielding an increased and constantly increasing influence. On this point it has been well said that "no one who goes into the country and compares the present degree of the people's political education with what it was ten years ago, can fail to be struck by the immense progress achieved during that interval."

In the second place, the character of the two houses of the Imperial Diet greatly improved. The inexperienced have given way to the experienced; the ignorant to the intelligent; so that, after six elections, the personnel of the House of Representatives was of a much better quality; and the House of Peers, too, in ten years had been somewhat quickened by the infusion of new blood. As usual, experience had been a good teacher.

In the third place, the Cabinet, theoretically responsible to the Emperor because appointed by him on his own sole authority, is practically responsible to the Imperial Diet and must command the support of a majority of that body. Hereafter, it would seem, dissolution of the Diet is not likely to occur as often as dissolution of the Cabinet. The one weak point in this situation is that although the principle of party cabinets is thus established, its practical application is difficult of realization, simply because there are no true political parties in Japan. There are many so-called "parties" which are really only factions, bound together by personal, class, geographical or mercantile ties, and without distinctive principles. One party is actually Count Okuma's following; another is Marquis Ito's; another is called "the business men's party"; and still another tries to maintain the old clan alliances.

But it is, nevertheless, true that "Japan is at length passing out of the epoch of persons and entering the era of principles," when, of course, will speedily come the development of parties. It is not, perhaps, strange that the personality of the great statesmen who made New Japan possible has been felt for so long a time, nor that the able men of the rising generation have begun to chafe a little under the prolonged control of those older statesmen. But, as one

writer has said, "The conflict between the old and the new elements of political power, the so-called clan statesmen and the party politicians, has been so far removed that the time is already in sight when the country will see them working harmoniously under the same banner and with the same platform." Such is apparently the case in the Seiyukwai, Marquis Ito's party, organized in 1900, the closing year of the first decade of Japanese constitutionalism. And this problem of political parties is the great one to be solved in the second decade, or period, of constitutional government in Japan.

We may, therefore, conclude that the working of the new system of government has, on the whole, been satisfactory. We must, of course, acknowledge that "it would be altogether extravagant to expect that Japan's new constitutional garments should fit her perfectly from the first. They are too large for her. She has to grow into them, and of course the process is destined to be more or less awkward." We must agree with Marquis Ito, the author of the constitution, not only that there has been an experimental period, but also that "excellent results have thus far been obtained, when it is remembered how sudden has been the transition from feudalism to representative institutions." We ought, indeed, to bear in mind that, when the constitution was promulgated in 1889, Japan was only eighteen years out of feudalism and twenty-one years out of military despotism; so that, whether we take the Oriental or the Occidental reckoning of "majority," New Japan had only just come "of age" politically. It would seem, then, as if Japan is deserving of the greatest credit for what was accomplished in the first decade of constitutional government.

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THE RESULTS OF REFORM

In reading an essay by Mr. Augustine Birrell on Sir Robert Peel, I felt something of a jar on coming upon a reference to Peel as an anti-reformer. Peel's achievements were just such as in the United States would have secured his reputation as a great reformer. He carried Catholic Emancipation, resumed specie payments, established the gold standard, repealed the corn laws and initiated the policy of free trade. "No statesman of the century," says Mr. Birrell, "has left his mark so plainly inscribed upon both the statute book and the life and business of the nation as Sir Robert Peel," and then Mr. Birrell proceeds to class among anti-reformers this statesman whose whole career is associated with radical measures of legislation which caused new party alignments and greatly altered the complexion of English politics. Canning, a statesman of the same order, who raised the issue of Catholic Emancipation, which Peel took up and successfully concluded, is referred to as "a fierce anti-reformer," while Peel's attitude is described as one of "opposition to reform" although not with the expectation of resisting it, but rather of acting as a brake upon the movement. Although the explanation instantly occurred that the reference here was to a specific measure of parliamentary reform, yet the characterization of such a statesman as an anti-reformer grated like a false note.

Assuredly no suggestion of reproach was intended, as would be the case in this country were the term applied to an American politician. In England, it appears that there is still no sense of incompatibility between active solicitude for good government and opposition to reform, whereas in this country, to say that a public man is solicitous for good government is taken as implying that he is a reformer, while on the other hand opposition to reform implies callous partisanship or habitual subserviency to sordid motives.

This difference of usage has frequently struck me in my reading, and when I came upon it in Mr. Birrell's essay, I had the curiosity to pursue the significance of the word through other political writings by British authors. Instances were found in which reference was made to reform in the general sense of amendment, but when used specifically the word invariably designated reform in parliamentary representation. A series of great measures, such as in the

United States would go by such designations as Election Reform, Ballot Reform, Social Reform, etc., were not put in the category of reform. The competitive examination system which we imported from England under the name of civil service reform does not figure much in English political literature, for it appears never to have had attributed to it in that country the high constitutional importance attached to it in this, but if it is mentioned one will find it under the head of "competitive examinations" and it is treated simply as a detail of administration.

The distinction between English and American usage in this particular is comparatively recent. Reform is not a word that figured to any extent in the vocabulary of the Fathers,—indeed it hardly belongs to the literature of their period,—but we find instead an occasional use of the word "reformation," applied in a general sense to the correction of public morals. Thus Jefferson speaks of "points of legislation prominent in character and principle, urgent, and indicative of the general pulse of reformation." The *Federalist,* written to advocate a radical reform of government, has little or nothing to say about "reform." The fifteenth number contains an energetic statement of the wretched condition of public affairs, which if written in our times would have been a commentary on the theme "reform is necessary," but the word finds no place in the discussion. It is rarely used in Benton's "Thirty Years' View," although covering a period of almost revolutionary change in the character of the government, nor do we find it in the ordinary vocabulary of editorial discussion of affairs in the Jacksonian period. William Leggett, who edited the *New York Evening Post* in the thirties, was a vehement censor of defects of government and a vigorous advocate of radical changes in legislative policy and administrative method, but he never advocated reform as such. The word appears to have entered into current usage in the United States as an echo of the long battle over parliamentary reform in England, and while in that country the specific idea of giving a new shape to parliamentary representation adhered to the word, in this country the idea that the political and social institutions of a people could be made to order was attached to it, and reform became the designation of innumerable projects of change ranging from dress and diet to the constitution of society and the organization of government. In New England in the forties reform became an

epidemical frenzy, quaint details of which are preserved in Emerson's lecture on the New England reformers and in the Brook Farm chapter of Higginson's "Life of Margaret Fuller." Many of the early New England varieties of reform have died out, but Hawthorne's pithy description of the people who regard themselves as important objects of destiny whereas they are simply bores of the first water, remains as the characterization of a type which is always with us. Existing varieties of reform are much more numerous than is generally supposed. An "Encyclopedia of Reform" has been published in a stout volume about the usual size of a drug store pharmacopia. Dealers in literary supplies have lists of reform topics on which they can furnish regular service of matter. You pay your money and you take your choice.

The difference between the English and the American usage of the word reform lies in the fact that in England the word has never quite lost its original signification of to form again or anew, whereas in this country it has become synonymous with improvement. The latter signification is also in frequent use in England, especially among those whose ideas of political improvement involve schemes of organic change (the class of agitators who in Leigh Hunt's time were called radicals are nowadays reformers), but in ordinary usage the word reform does not in England necessarily imply improvement; that is an open question. In the United States the word begs the question of improvement, and the only open question is the best mode of accomplishing reform. The completeness of the identification of reform with improvement, as well as the vast scope given to the concept are well exhibited in the following definition of civil service reform contributed by the late Dorman B. Eaton to the "Cyclopedia of Political Science": "In its general and most comprehensive sense, civil service reform means the removal of abuses in the public service—federal, state and municipal—and the enforcement therein of such just and sound principles and methods as will most contribute to good administration."

A consequence of this identification of reform with improvement is the habit of organic change which is the most marked characteristic of our politics, and to which processes of degeneration are distinctly traceable. That reform may be pernicious sounds to the average American reader like a contradiction in terms, and any argument to that effect has to combat a settled tendency of thought.

If the concept of the state as an organism were accepted as scientific doctrine it would be easy to make out the case by logical deduction. If the state is an organism then there is an adaptation between every part and the whole and hence reform anywhere must disturb the balance of all the functions of the organism. This was the argument by which Montaigne resisted constitutional innovation: "Forasmuch as government is a structure composed of divers parts and members joined and united together, with so strict connection that it is impossible to stir so much as one brick or stone, but the whole body will be sensible of it." With such an attitude of thought it would be possible to secure some consideration of the risk that structural reform, even if applied to corrupt tissues, might react dangerously upon the general health just as the suppression of an eruption might produce constitutional disease. But the concept of the state as an organism is not accepted. Contrary to the general tendency of scientific thought as regards all other aggregates having a corporate life, the present drift of political speculation is away from the concept of the state as an organism. True, that concept underlies the political philosophy of Burke whose works have obtained secure rank as a political classic, but Rousseau and not Burke is the architectonic influence in American politics, and it is the fashion to regard the state as an organization effected through the operation of opinion and consent, and subject to rearrangement at will in accordance with the dictates of opinion.

Refraining therefore from any attempt to reach conclusions by deduction, let us look at the facts of the case and scrutinize dispassionately the actual results of reform. At the outset the stubborn fact confronts us that those of our political institutions which work most badly are those which have been reformed the most. Indeed it may be said that the satisfactoriness of our political institutions is in inverse order to the frequency with which they have been subjected to reform. The national government which has been least reformed works with superior vigor and efficiency in every part of administration; our state governments which every now and then are fitted out with the newest fashions of reform, come a long way behind in quality of administration and municipal government which is always being reformed is the perpetual subject of malediction and despair. Moreover this divergence is plainly marked as the accompaniment of reform. The national

government was originally the chief object of the efforts of reformers. As early as Monroe's administration schemes for reforming the Constitution of the United States were prosecuted with great zeal and industry, particularly as regards the mode of electing the president, but by fortunate accident due to the federal composition of our republic, the process of textual amendment is so arduous that the Constitution of the United States is secure against formal change. State constitutions and municipal charters are however exposed in a way that has made them the continual prey of reformers. Those forms of government have been made over and over again, but the more they have been reformed the greater has become the degeneracy of state and municipal government, and the more marked has become the contrast between the quality of administration they produce and that produced by the unreformed Constitution of the United States. A favorite excuse of the reformers, for the failure of their schemes to produce the results expected, exactly parallels the logic of the tailor who contended that the coat he had made was a good coat but the boy was too small. It is argued that popular character has declined under the influence of something or other ("commercialism" is just now the stock phrase), so that good political institutions lose their fitness and that the only thing to do is to develop a proper stature of citizenship. This preposterous mode of reasoning is a staple article of reform literature and is being continually presented with perfect gravity and in all seriousness. It is sufficient for the present purpose to call attention to the fact that this same popular character which is found inadequate by the reformers, underlies the national government, all social institutions and all business activities, as completely as it does state and municipal government, and if that character can accomplish satisfactory results in national administration or in private enterprise it is quite as able to do so in state or municipal government under proper conditions.

The goodness or badness of political institutions is relative. Political values are determinable only by the rule laid down in the *Federalist*, No. 68, that "the true test of a good government is its aptitude and tendency to produce a good administration." Tried by this test does any one pretend that constitutional reform has been beneficial? On the contrary the corrupt condition of state politics and—in a still greater degree—of municipal politics, is the constant

theme of reformers, and is indeed the principal argument by which they recommend the adoption of their reforms. In political as in physical disease people do not readily comprehend that it is not the disease which we have to cure but the patient, and that the symptoms are not what we have to deal with but the cause of the symptoms, which may be, and generally is, remote from the parts in which its effects are made visible. The usual practice of reformers in dealing with political disease is to try to get rid of it by suppressing its symptoms or by excising the organ which suffers from it most, reasoning like the man in the street who thinks he would not be troubled with biliousness if he could get rid of his liver. Hence it is difficult to reason with reformers and they listen with impatience and even resentment to any criticism upon their projects that goes beyond questions of detail in mode of application. The mental process by which they elude argument is something like this: "Here is a manifest evil and as good and true men we must do something to cure it. All human effort is fallible and there is room for hostile critics to find fault and pick flaws, yet the measure we are advocating is the best we can think of and is offered with sincere motives, so we think that it ought to be adopted, and hence we are forced to conclude that the opposition we are encountering proceeds from interested and base motives." A man may advise a friend against indiscreet use of colchicum without incurring suspicion of being a friend and an ally of the gout, but to criticise nostrums offered as "ballot reform" or "civil service reform," etc., is almost certain to cause reformers to regard one as a corruptionist or as a "spoilsman." Only in politics do educated people admit of medical treatment based simply upon good intention and a desire to do something. In physical disease of obscure nature merely expectant treatment is a settled rule of procedure, and the main reliance is not upon positive intervention but upon the curative efforts of the organism. All history, our own history in particular, shows that a like policy is the only safe one in political disease, and that while reform nostrums produce fresh complications of malady, real improvement comes from the gradual operation of hygienic activities in the political organism.

A striking example of this is presented in the contrast between national and state administration to which I have already adverted. Reform attacked the national government before it did the state

governments, and there was plenty of justification for it according to the mode of reasoning practiced by reformers. What is known as the democratic movement was the result of social transformations imparting to the body politic a more sensitive nervous organization and a more widely diffused consciousness. The people were aroused into political activity and became desirous of obtaining a more active participation in the conduct of government than was provided for in the original constitutional scheme. They then became aware of what appeared to be abuses urgently requiring reform. At that time the suffrage in the states was narrowly limited; and the state legislatures appointed presidential electors as they pleased, elected United States Senators as they pleased and provided for the election of state quotas in the House of Representatives as they pleased. Gross inequality of political circumstances prevailed and it seemed as if sweeping constitutional reforms would be required to secure the people in the rights they demanded. No wiser spirit dominated the national reform movement than that which has had such pernicious results in state and municipal reform, but owing to the immobility of the federal constitution the movement to secure popular election of the president by formal amendment of the constitution failed completely, and yet the same end has been so completely accomplished by processes of constitutional development that the mass of the people now do not even know that there was a time when they had no vote as to who should be president, and when a small portion of the people of a state could elect the whole of the members of the House of Representatives from that state as a solid delegation. The whole character of the government has been popularized, and the presidency has been converted into a representative institution, without any reform whatever in political structure.

The degeneracy of state and municipal politics dates from this very reform movement happily defeated in national politics. The waves of impulse which beat in vain upon the impregnable constitutional barriers of the federal union went roaring over the state constitutions. Then began the multiplication of elective offices which dissipate public responsibility and destroy popular control in state and municipal politics. The people can control the national government because every administrative office is comprehended in a system of responsible appointment at the head of which stands

the president whom the people elect. The people cannot control local government because responsibility has been reformed out of them, and the offices are filled under a system of irresponsible appointment administered in the name of the people by the politicians for the interest of the politicians. The only thing that makes the results of reform at all tolerable is that the interests of the politicians cannot be wholly severed from the general interests of the community, but nevertheless the loss and injury are enormous. It does not matter what party elects the president or who he may be; the people know perfectly well that he will appoint treasurers and controllers who will take good care of the public funds; but under the system of elective treasurers and controllers provided by the reformed state constitutions the custody of the public funds is systematized as an agency of political corruption and individual profit, and, in addition to the regular squeeze constantly going on, heavy defalcations sometimes occur. The national government has no advantage in the material upon which it has to draw; the same class of men who engineer local politics also officer the local agencies of the national government. When democratic conditions of administration were first established, there was little difference in tone between national and state administration and malfeasance was as common in the one as in the other, but the comparative immunity of the national administration from reform, giving it stability and continuity, has enabled a gradual adaptation to the needs and responsibilities of public service to take place, and details of management have been perfected so that federal office holders find themselves under conditions which produce a different and much higher grade of service than they can render under the conditions of state administration. The difference is so distinctly marked that it receives general recognition, and the public feels a confidence in the integrity of officers of national administration which is not extended to officers sustaining analogous functions in state administration. No one expects that the fiduciary conduct of the clerk of a state court, or of a county treasurer, shall be as scrupulous as that of the clerk of a United States court or of a subtreasurer of the United States, and the difference would be expected to appear in the behavior of the same individual transferred from a state to a federal office of like duties. In this case it is plain that the whole difference consists of difference in conditions, and that

this difference in conditions must be the result of reforms to which state and municipal administrations have been subjected.

The national administration itself furnishes a conspicuous illustration of the distinction between improvement and reform. Considered as an improvement in administration the system known as civil service reform has strong arguments in its favor, but its advocacy as an improvement implies conformity to existing conditions and adaptation to beneficial ends. This attitude was carefully maintained during the introduction of the system in Great Britain. The measures taken were tentative and care was taken to keep in touch with public opinion as reflected in the disposition of parliament. Mr. Eaton in his work on "Civil Service in Great Britain" remarks: "Wise methods steadily and faithfully applied, which educate public opinion at the same time that they close the fountains of mischief, and not sweeping, revolutionary proceedings, which assume that the moral tone of a nation's politics can be changed by an assault or an exhortation, were in the opinion of the British public, the essential conditions of all administrative reform." Mr. Eaton was fond of the word reform and used it as a synonym for improvement. What was in England carefully restricted to the sphere of improvement was in this country converted into a reform which speedily became an end in itself so that "sweeping, revolutionary proceedings" were not objectionable. Hence we have had a great deal of civil service reform with so little improvement that the sessions of civil service reformers are consumed by lamentations over the evil tendencies of the times. As is the habit of reformers, although they admit the evil sequences, they are unwilling to regard those sequences as results, and the only remedy they have to offer is stronger and bigger doses of reform. Nevertheless the fact is incontestable that the period following the imposition of civil service reform upon American politics by executive fiat exhibits an exacerbation of all the maladies for which civil service reform was prescribed. Even the most hardy civil service reformer will not contend that following the act of 1883 and its rapid development by executive orders, there was any increase of moderation, order, judgment and control in the management of public affairs. On the contrary there was a marked increase of passion and recklessness in our politics. If we look simply to the one matter of financial economy we find that during the ascendancy of civil service reform,

from 1883 to 1898, the ordinary expenses of administration increased 140 per cent, while the population increased 37 per cent. Since 1898 comparisons are vitiated by expenses of the Spanish War and the cost of its ensuing responsibilities, but there is no satisfactory evidence of any direct improvement due to civil service reform, unless the means be taken for the end and the extension of civil service reform be regarded as an improvement irrespective of its consequences. At the same time we have the admission of reformers that state and municipal governments abound with evils and abuses, and yet in many places in this field civil service reform has received even more extensive application than in the national administration and rests upon a firmer basis since it is embodied in constitutional requirements and statute law, whereas in the national government it is still almost wholly dependent upon executive regulations which may be altered or rescinded at the will of the executive. The local extension of civil service reform is not however accompanied by any perceptible improvement in the tone of government, while its trammels upon executive discretion and responsibility are such that it is becoming a question whether with the best will in the world good government is possible under civil service reform regulations as they now exist. This is the problem with which Mayor Low of New York is wrestling.

The history of other reforms might be cited to show that reform by no means implies improvement but rather the contrary. What is known as ballot reform would afford a typical instance of the evils of reform did space permit of a detailed discussion. The common experience of citizenship may however be appealed to in proof of the assertion that ballot reform has inflicted upon the people so cumbrous and perplexing a mode of voting that when elections are close it is a matter of great doubt whether the result as declared corresponds with the intention of a majority of the voters. The Australian system upon which it is based is a precise and simple method of ascertaining the will of the people, but converted into a reform nostrum and injected with American politics, it has produced the most complicated system in the world. The records of all ages and in all countries might be challenged to produce the equal of such a grotesque monstrosity as the American blanket ballot. The present tendencies of ballot reform now constitute the greatest danger of American politics. As it is the characteristic disposition

of reformers to force conditions to suit their institutions instead of following nature's method of suiting institutions to conditions, the predilection of the people in favor of casting a group vote for a party ticket has inspired a strong desire to abolish party organization so far as possible by providing for nominations by direct vote. This effort to grind citizenship into what Burke described as "the dust and powder of individuality" will, so far as it can succeed, set up dire processes of political degeneracy. Human nature is so constituted that to reduce citizenship to an inorganic mass acting by units instead of corporately is impossible, but what may be done is to substitute for the agency and control of responsible party management the casual incitements of demagoguery and the transient cohesions of mob impulse. There are already localities in which the direct vote system of nominations prevails where it is almost impossible to secure the election of a decent man for office, since nominations are practically confined to the class of politicians denoted as good "mixers,"—those who can stomach the job of a personal canvass, hobnobbing with "the boys" and standing treat in the saloons. I know of a city whose politics have been so corrupted and debased by the direct vote system that a mayor who handled public funds with such jolly recklessness as to land him in prison, subsequently secured a re-election through a party nomination obtained by direct vote, after a canvass of energetic hospitality upon the candid platform "give a man a chance to show that he can do right."

The teachings of our own experience as to the evils of reform are borne out by history in general. Our reformers are fond of referring to the superiority of municipal administration abroad as an incentive to efforts toward betterment in this country, but the superiorities they admire are not due to reform but to an immunity from reform which has permitted the gradual adaptation of institutions to the needs of the community. When the Rev. Dr. John P. Durbin, president of Dickinson College, published his "Observations in Europe" made during a tour begun in 1842, he combatted English aspersions upon the working of American institutions by pointing to the disgraceful squalor and neglect of English municipal government. He mentioned that "of the 586 streets of Leeds, sixty-eight only are paved by the town; the remainder are either paved by owners, or partly paved, or are totally unpaved, with the surface

broken in every direction, and ashes and filth of every description accumulated upon many of them." Similar or worse accounts were given of the quality of municipal administration in Manchester, Glasgow, Newcastle, Liverpool and Hull. These very cities are mentioned by Albert Shaw in his work on "Municipal Government in Great Britain" as models of municipal administration and their excellences are set forth as inspiration and example to American municipal reformers. All this immense improvement has been accomplished without any reform of the frame of municipal government. The Municipal Corporations Act of 1835, under which such vast progress has been accomplished, was in existence when Dr. Durbin made his observations, and under its provisions the model municipalities Dr. Shaw describes have been developed and are still administered. In 1882 another general Municipal Corporations Act was passed, but it was a codification of existing laws, and as Dr. Shaw remarks, "the chief outlines of the act of 1835 remained unobscured." Dr. Shaw, although himself a municipal reformer, pointed out in a paper read at the sessions of the National Municipal League in 1899 that "in the United States we have been making and unmaking municipal charters, and meanwhile administering them as badly as possible, while in Europe they have been bending their energies to the work of administering progressively and well such charters as their cities found provided for them in the general statutes."

The beneficial results of immunity from reform are to be seen not alone in British municipal government but in the entire aspect of the British constitution. It is a commonplace of English history that political development has been carried on without alteration of the historic framework of the constitution, and popular government has been established and is carried on under the same constitutional forms that sheltered despotic monarchical rule in past ages. Furthermore, philosophic historians show that this functional development has been made possible by the fact that the anatomy of the state was too solidly established to be radically changed, fixity of type facilitating continuity of functional development. But if reformers could have had their way this development would have been arrested. The early phases of the parliamentary type of government were denounced and resisted as corruptions by the reformers of the eighteenth century, and projects for tinkering the consti-

tution into some sort of mechanical excellence according to the ideas of the times were as abundant then as now. There was a copious output of reform literature in which one may find the same propensity for political experimentation, the same confidence in legislative nostrums, and the same inculcation of acceptance of them as a moral duty, which characterize American reform literature to-day. Burke had these reform tendencies in view when, referring to the English constitution, he wrote: "Never will I cut it in pieces, and put it into the kettle of any magician, in order to boil it in the puddle of their compounds into youth and vigor; on the contrary I will drive away such pretenders." The reformers railed at Burke's conservatism, and scouted his proposals of improvement without reform as trivial and inadequate, but the reformers were never strong enough in England to control legislation and frustrate the gradual course of improvement by which alone real progress is effected. The defeat of the eighteenth century reformers in England left the way open for the successful establishment of the control of public opinion over the agencies of government, through the formation of the cabinet system.

It is interesting to note however that the methods of administration produced in England by natural growth and functional development without organic change, lose their salutary character when they are adopted as a reform nostrum to be injected into the government of other countries. Historians are now agreed that had Prussia submitted to the demands of the reformers who would have imposed upon that country the English type of parliamentary government, the establishment of the German Empire in all human probability could not have taken place. Indications are multiplying to the effect that parliamentary institutions are a melancholy failure on the continent of Europe, and the contrast between the rising power of Germany and the decadence of Austria, Italy and Spain is traceable to the obstinate resistance of the rulers of Prussia and their ministers to the adoption of parliamentary government as a reform, although gradually accepting its procedure to as great an extent as was approved by considerations of practical convenience.

Those who have studied most deeply the operations of destiny in the affairs of nations arrive at the same conclusion no matter what tract of history they explore. "An appetite for organic change is the most dangerous disease which can affect a nation,"

says Lecky. "The nations which devote themselves to social reform are lost nations," declares Renan. Akin to such views is Bagehot's remark that in great governing races there is always a certain amount of stupidity, which simply means that there is in the national character a conservatism of habit which resists plausible seductions of reform and insures the natural growth of institutions from the roots of race motive and experience. Looking at the great changes in the map of the world from age to age we find that the future has belonged not to the clever, self-conscious, cultured peoples but to the stubborn, the practical, the tenacious, whose institutions are an organic growth. Not the quickwitted Greeks but the dull, steady Romans became masters of the civilized world. "Rome was the strongest power in the world before any analysis of its government was attempted," remarks Professor Dunning in his recent work on the history of political theory. Not the brilliant, versatile, intelligent Poles, but the plodding Prussians and the stolid Russians developed the great powers of modern Europe, one nation beginning as a little province subordinate to Poland and the other as barbarian tribes on the eastern confines of the vast Polish commonwealth. Institutions which endure can not be made to order by the cleverest intelligence, but must grow instinctively from the character and circumstances of the people. The vital parts of every stable form of government may be traced back to the usages of barbarians, founded upon instinct and habit, while no philosophic scheme of government has ever been a success.

It may be asked whether we must then accept the melancholy paradox that man, although his possession of reason is his proud distinction among the animal tribes of nature, cannot trust that faculty for political guidance, but is better off in dependence upon the instinctive cohesions arising from his social nature. Certain it is that instinct is generally the safer guide. Even in states which have developed political consciousness and some power of giving rational determination to their conduct, the fundamental activities of their political life consist of instinctive habits of thought and action, acquired from race discipline and operating almost unconsciously. In this respect there is a complete analogy between political organism and physical organism, the fundamental activities in each being automatic and not controlled by conscious volition. As with intelligent beings so with political organism, there is a sphere

for rational determination of conduct, and it is the province of political science to guide the exercise of reason in affairs of state. But the fact is that we have as yet no comprehensive system of political science to act as the support of statesmanship. Certain branches of ethics, economics and jurisprudence are classified under the head of political science, but apart from these branches, so-called political science is a mere float of conjecture taking transitory shape from the sentiments and ideas of the times. Professor Sheldon Amos in his "Science of Politics" admits that there is no such science in the sense of universal principles permanent in their applicability, and that the predicates of political science as regards the state must be regarded as applying only to "that integral unity which has been discovered by the accidents of European development." The purport of this is simply that there are no scientific standards of political judgment but what passes for such are impressions received from "accidents of development." Every age has accepted the political ideal evolved from its past as the ultimate type, the preservation of which appears as the proper object of political effort. Hence no age has ever correctly interpreted its own tendencies. The initial phases of new developments are apt to appear as corruption of the old order. To Aristotle and Plato the decaying city-state was the norm of political organization and the perfection of that type was the object of their political speculations. To Polybius and Cicero the diverse structure arising from the vicissitudes of Roman development was taken as the model of polity at the very time when it was breaking down, and then was first produced the check and balance theory of government which is still extant. During the middle ages traditions of the Roman empire controlled the ideas of jurists and reformers. To Dante and Petrarch the rise of nationality was a hideous phenomenon indicating a baleful process of disintegration repugnant to Holy Writ and portending the decay of civilization. In the fourteenth century when Sir John Mandeville was on his travels all he could see in the formative processes of modern Europe going on around him was evidence of a sad state of spiritual decay, and he mourns that "pride, covetousness and envy have so inflamed the hearts of worldly lords that they are busier to disinherit their neighbors than to claim or conquer their right heritage," the Holy Land. The builders of states are always denounced by the moralists of their times. Melancholy as the state-

ment may seem yet it is a truth attested by all history that if in any age the character of political institutions had been decided by the moral sentiment then in vogue, that which later ages have accepted as a providential order would have been perverted. Political theory always lags behind political conditions, and constitutional systems become justified only after they have been accepted as a necessity and conformed to in practice.

The inherent danger of reform therefore appears to lie in the fact that it operates by deduction from some traditional theory instead of by practical induction from actual conditions. The theory may have been at one time a useful fiction like the classic theory of checks and balances in government which the Whigs of the eighteenth century adopted as a cover for the transfer of authority from the crown to the cabinet, but whatever may be the possibilities of political science when scholarship achieves something worthy of the name, as yet political theory does not possess sufficient solidity to serve as a basis for statesmanship. It is hardly more than a vapor arising from streams of sentiment, and the reformer builds for disaster because he designs his architecture with regard to the contour of this cloudland. His schemes are evolved in view of an ideal *civitas* so completely non-existent outside of his own fancy that one wonders how some earnestly advocated reforms can survive so much experience of actuality as a ride in a street car or a walk along the highway.

If these considerations seem to suggest mere quietism or apathy as the better part, that is simply a fresh illustration of the predisposition to regard reform as identical with improvement. There need be no abatement of effort because reform is discredited, but on the contrary political activity will gain in definiteness and certainty of purpose by cutting loose from theory and moving upon the plane of practical redress of specific grievances. Doubtless there are reform projects from which valuable suggestions of practical advantage may be obtained, but such a habit of distrust for anything offered in the name of reform as will compel convincing proof that it is an improvement will be in every way wholesome. Substantial improvement of state and municipal government is hardly possible without radical legislation cutting away the complex entanglements produced by the past activities of reformers, but this can best be accomplished as an incident of party activity actuated by party

needs in seeking to accomplish concrete results demanded by public sentiment. By this I do not mean to imply that party activity is necessarily curative in its constitutional operation. On the contrary, when degeneracy sets in, party activity tends to spread and deepen the process. If our republic, like the Roman republic, were involved in all its tissues by the disintegration of constitutional authority, the same result would ensue: sloughing of the diseased structure and decline of its functions. If the national government had been involved by the process of organic change to which states and municipalities have been subjected, constitutional government would long since have broken down from sheer incapacity and Cæsarism would have been produced by pressure of social necessities. As it is, national party activity whose nature impels it to co-ordinate all political function in connection with national authority, contains a principle of regeneration strong enough to reach and influence local politics, and there are reasons for believing that it will eventually bring them into gradual conformity to the type which our national politics will evolve. A process of this kind is in operation but it would gain immensely in vigor by a strong popular reaction against reform. There are indications that such a reaction is coming. In the revival of party enthusiasm and the concentration of thought and effort upon party ends speculative politics will fall into wholesome neglect and reformers will find their occupation gone.

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THE BASIS OF PRESENT REFORM MOVEMENTS

In the discussion of modern political movements one fundamental question seems to evade answer,—"What determines the amount of time and attention which the people give to political affairs?" The growth of interest in the government of any organization, political or otherwise, is largely determined by other associations which are in a sense competitive. The city or state competes with the benevolent association, the business firm or corporation, the church, the family, the secret society, the club; hence the interest which a member of all these organizations can give to any one of them is largely a matter of addition and subtraction. We may estimate, provisionally at least, the relative importance of these various interests in the following order:

1. Business,
2. Family,
3. Church and religious societies,
4. Charitable and benevolent associations,
5. Social organizations, such as clubs,
6. Politics.

Our foreign critics are amazed and even confused by the absorption of the citizen in the first and second of these groups to the comparative exclusion of the others. The economic development of the United States has placed before the eyes of the people so many examples of men who became fabulously wealthy in a comparatively short time that our business ideals have been changed and the prospect of a thirty- or forty-year period of active work is no longer attractive. The frequently repeated statement that this is "the day of the young man" implies that the period of intense industrial activity is, for large classes of the community, undeniably shortening. As a result, during those years of a man's life which are devoted to business, he withdraws more and more from participation not only in politics but in all other affairs. The proposition which politics puts before the business man is, "Shall I attempt to protect my interests by laborious effort at the polls or by arrangements made with the victorious candidate after election? Shall I work indirectly through the people or directly upon the elected official?" Much as we may lament the lack of interest shown by

the commercial and professional classes both in the conduct of elections and in the general management of party affairs, we may not disguise the fact that it costs less of time, annoyance and financial expenditure to accept the regular party candidates and make peace with them than to try to elect an independent set of representatives. Only those who have seen something of the inside workings of an independent movement can realize the immense waste of energy by friction, the loss of time and money and the endless wear and tear involved in the mere maintenance of such a movement in ordinary times. The history of most of these independent parties, even when they are successful, shows that the results are too often of the most trivial and evanescent character, entirely out of proportion to the expenditure involved. If these be the admitted facts, how can we blame the business man who asks for results and who judges reform movements by the reforms which they actually produce?

American absorption in business matters has long been a trite commonplace, but the peculiar influence of the family on political life has hardly been understood. Family selfishness, while not so reprehensible as the self-absorption of the individual, is only one degree less disastrous in its influence on political and social life. We have especially failed to appreciate the political dangers involved. In theory, the family spirit marks a step in advance over the pure egotism of the individual, but this step has already been taken by the lower animals. Doubtless a man's first duty to the community is to create, in the members of his own immediate family, right ideas and habits of conduct; this is admittedly the principal and most direct benefit which he can confer upon society, but the modern American is inclined to rest satisfied with this achievement. Ensconced in the comfort and safety of his home, he views with indifference the conflict between public and private interests raging without. So long as he and his are spared, the honest citizen does little more than record an occasional exclamation of disgust with the political ills of his time. Many interesting conjectures have arisen regarding the probable destruction of home life by the apartment house, the flat and the hotel; it is quite probable that such a change would have its effect in the strengthening of the other groups under discussion, but the movement has not yet progressed far enough to transform our domestic ideals to any

extent. That sharp distinction between private and public standards of action which so strongly impresses the foreign observer is largely a result of family selfishness. In Great Britain the domestic circle has been extended to include all the leading politicians and their friends in one great family clique; in the local governments a local family, composed of the landed gentry, exists, but in America politics is rigidly excluded from the home. Not only the citizens who tolerate public abuses, but the very politicians who are accused of planning and executing these misdeeds are usually men of unimpeachable home life. Let the man who is tempted to fulminate indiscriminate condemnation upon the dishonesty of politicians pause for a moment and ponder the private character and domestic relations of the political worker whom he knows; the conclusion will inevitably force itself upon him, not that public dishonesty is any less reprehensible but that it is apparently compatible with an almost ideal home relation. In exalting the family we have so ignored and neglected our political ideals as to lose all perspective of the proper relation of the two. Absorption in the affairs of the home is by no means confined to any class or stratum of society; it is a widespread and general characteristic of American life, which operates powerfully against all "outside" interests.

The group of activities centred about the church seems to be in a period of transition. Unlike the family spirit, this group differs widely in different classes of the people. In some, church affairs rank on a par with domestic interests; while in others the church is almost completely supplanted by charitable and social organizations. While the latter tendency is to some extent on the increase, as may be inferred from recent church statistics, yet a strong counter-tendency has set in. The methods of religious work are slowly improving, numerous organizations and societies are being established directly by ecclesiastical influence and perfected with the view of enlisting the layman and securing his active co-operation. The general increase of education and culture among the people at large, having robbed the pulpit of its monopoly of learning, has compelled the pastor or priest to rely less and less upon mere preaching and to emphasize his administrative ability in the management of church societies. There has not been a time for decades when so much stress was placed upon the activity of the laymen in all denominations. It would not be an exaggeration to say that if

the efforts now made bear reasonable results, the church will become an increasingly important competitor in the struggle for attention.

The group of interests designated as "charitable" includes a large number of associations founded upon sympathy or pity; in the general expansion of the humanitarian, altruistic motive the influence of these organizations grows ever stronger. There is in the very conditions of modern city life an increasing consciousness of social unity. Temporary aberrations of popular interest or misguided economic motives may for the time becloud this growing tendency, but it reasserts itself again with renewed vigor. The teaching of our entire educational system seems to strengthen such a development and it is therefore not surprising that organizations founded on the basis of human sympathy are taking a larger share of our attention year by year.

In the group of interests called "social" such as clubs and similar associations, while there is a considerable variation in different strata of society, yet the tendency toward mere entertainment is marked in all classes. Doubtless the nervous tension of city life increases the necessity for relaxation and incapacitates the individual for concentrated and sustained effort during leisure hours, thereby indirectly preventing active and effective participation in politics.

There remains for discussion the sixth group, which has purposely been placed last. Ought our political interests to compete with the other groups mentioned or should they harmonize and combine with these groups? Is politics an end in itself or simply a means to an end? To answer the last question first, our early political institutions, based largely on the paramount thought of political liberty, exalted politics to what now seems an unnatural position. The American Revolution, the establishment of a popular republic, the questions of political and civil rights which arose from this establishment and the great civil strife which finally settled most of these questions naturally elevated political discussion in such a way as to dominate the interests of Americans for nearly a century. We must also remember that in this period between 1787 and 1870 the means of communication between different parts of the country materially favored the supremacy of political over economic and other interests. The exciting character of political struggles has largely died out; the supremacy of the national government has been assured. The means of communication have improved so

greatly as to enrich the groups of interest represented by business, church and charitable associations at the expense of politics. The business man is no longer free from the competition of others situated at a distance of fifty miles as he formerly was. He must now enter an arena of competition which is frequently national or even international in its scope. This means a greater intensity of the groups of interest thus affected, while a corresponding intensity has not arisen to strengthen interest in our political questions; therefore, we find a gradual decadence of the old political supremacy over other organizations and politics is restored to its natural place as a means rather than an end. Politics can interest us in ordinary times only by espousing an issue from some one of the other groups. We only vote for a party which has identified itself with a certain business, charitable or social interest.

After reviewing these several groups of human interests and the various organizations founded upon them, the conclusion is irresistible, that no one man can do his part as a member in them all. The sentence, *"Important business is to be transacted and your presence is earnestly requested"* recurs more and more frequently on the meeting announcements of all organizations. We are infested with societies and associations, many of them formed in a light-hearted, off-hand manner by irresponsible persons. Let a strike occur and dozens of associations are founded to harmonize labor and capital; when peculiar conditions call attention to poverty new charitable societies are immediately floated; when anyone anywhere is suddenly impressed with the necessity for action along social lines he immediately organizes some national or international society to propagate the new idea. Such a mania for organizing or attempting to organize ambitious movements upon the slightest provocation would seem ludicrous were it not for the deep and lasting injury which is worked upon our association spirit. In consequence of this curious habit we have an astounding chaos of weakly agglomerations, all making frantic claims for public attention but none of them commanding the serious respect, much less the permanent efforts of intelligent people. Our associations are anæmic because of the physical impossibility of securing sufficient interest to manage them. Doubtless this incoherent mass of sickly organizations will be superseded in time by a better co-ordinated and federated union. In the meantime we have imbibed almost a

contempt for societies in general. The modern American is pleased apparently to belong to many but to work in few or none; in recent years this fact has made itself apparent even in business associations. It is inevitable that such a tendency should have its effect on politics in an apathetic disregard of the rights and duties both of membership and citizenship.

When we examine the new political movements of the present time we find that they may be classified either as reform movements or as distinctly progressive tendencies. While reforms, in the stricter sense of the term, aim at the *restoration* of former ideals of government, progressive movements tend rather toward the solution of new problems. Our modern reforms appear to contemplate either a change in the mechanism of governmental structure, such as the ballot, the nominating procedure, the referendum, the registration of voters, proportional representation, etc., or a simple change in the personnel of the existing government. Some apparently include both of these, but they will usually be found to emphasize one more or less to the neglect of the other. The first species of reform movement depends upon a mechanical device for the abolition of some grave abuse or for the introduction of some new contrivance which will minimize the action of the boss. These reforms are nearly all directed towards the repair of our system of representation. It is contended that the system is in the main good, but that a certain feature requires alteration in order to insure greater accuracy of representation or to bring the action of our representatives into harmony with the will of the people. This may be called the "contrivance" theory of government. It appeals especially to the young man and to the newer sections of the country. If something is wrong let the government right it; if the primaries of our great political parties are subject to abuse, let the government regulate them; if the political minority of the people is neglected by the majority, let the government establish a system of minority or proportional representation; if abuses in our elections have crept in through the publicity of the ballot or through false and fictitious names placed on the list of voters, let the government establish a secret ballot or a system of personal registration; if, after all these precautions are taken, the laws passed by the legislature do not correspond to the will of the people, then let the government provide for a referendum or popular vote, which shall approve or reject

the laws of which complaint is made. In all of these mechanical reforms there is an optimistic strain which is not without its element of pathos. We are a buoyant, hopeful, and withal, a labor-saving people, yet in our search for an "invention" which will automatically produce political happiness we find ourselves disappointed at each successive step. The necessity for such a school of thought is evident. All governments have a tendency to stagnation and ritualism which can only be overcome by constant effort. The mechanical repair of a government is just as needful as the application of a lubricant—if such a term may be used. The American system in particular has begun to show evidences of this need; the great speed at which our economic conditions are carrying us has taken the governmental machinery farther and farther away from the old model and, while the mechanical reformer will always be accused of tinkering, it is exactly tinkering which is required. But is there no end to the number of mechanical changes in government designed to secure a perfect system? Is there any one device or trick which will accomplish the results claimed by its advocates? Is government wholly or even principally a matter of machinery?

America is yet in an early stage of economic development and until a considerable amount of industrial stagnation has arisen, until well-defined conflicts of class interest are formed, it will be difficult to find a favorable opportunity for structural changes in our system.

Those who believe in a change of personnel are convinced that our political inconveniences are the result of dishonesty and corruption; hence the plea is for an honest man. This latter class represents a distinctly Anglo-Saxon skepticism with regard to new governmental inventions. It is maintained, not without reason, that there are certain things which the people must do for themselves. Emphasis is laid on the moral obligation of the people to choose better men.

In considering the lack of results attending our moral and mechanical reform movements, a second query presents itself,—"To what extent do the peculiar methods employed by reformers contribute to the already existing apathy?" Even the most enthusiastic advocate of political change must admit that in recent years certain tendencies have developed which materially impede the progress of such movements. The first of these is the trend toward purely negative criticism. It is noticeable that reform movements are

most frequent in the large cities; the corrupt use of the city's franchises, the methods of awarding municipal contracts, and the relations of the police department to certain "vested interests" hostile to public morality, are the storm centres of reform. In franchises and contracts particularly we have the very essence of contention between the reformer and the regular party organization. That small group of men which in every city disposes of these franchises and contracts possesses one advantage which can hardly be overestimated,—the knowledge that the public cannot wait. The great municipal improvements, which are always contemplated or in process of execution in a modern city, appeal to the popular imagination in a very definite way. The people can appreciate a plan for a subway, a new gas supply, a new system of parks, even when they cannot grasp the more abstract reasoning against private ownership, or in favor of a certain method of construction. The regular party enjoys the strategic benefits of proposing a definite improvement in city life, while the reformer is too often placed in the position of a critic of the proposed plan. This attitude of criticism is a primary source of reform weakness and instability. While at irregular intervals the people may be willing to adopt a purely negative or destructive program, yet in the general run of politics they can be courted only by positive proposals. There is no cause for complaint in this; the human mind is enraptured by action, not by abstention. The great religions of the world, with the possible exception of Buddhism, are essentially positive. The permanent political achievements of our history have been largely of this character, the movements which resulted in Magna Charta, the parliamentary constitutions, the Declaration of Independence and the extension of the suffrage have all been proposals that something be done. As such they have appealed to the natural love of action of the temperate zone peoples. Is it strange that the reformer, in so far as he departs from the psychological basis, should encounter apathy?

Closely allied to this negative tendency, and perhaps forming a part of it, is the fondness for denunciation shown by those who advocate public honesty. Doubtless under the peculiar circumstances of the times in which a Danton, a Burke, or a Patrick Henry carried on his campaign of destructive oratory, the abuses of the day rightly merited all the bitter invective, the stinging sarcasm and the fiery denunciation which were so courageously uttered by these

great apostles of reform. The consensus of opinion among more modern reformers seems to favor similar tactics, but is the present a time for invective? Are our political mistakes always, or even usually, to be righted by an appeal to popular indignation? Can the wrath of the people solve the problem of corporation control for the national government, of factory legislation for the state, or of tenement house conditions for the municipality? Are these not tangled problems fraught with complexity and do they not require the patient, intelligent efforts of the people for a decade or a generation rather than the passionate outbreak of a moment?

The capacity for indignation may vary with men as with communities, but it always has its limits. Popular indignation is not a steadily burning fire upon which a system of government may be calculated; it is rather a destructive lightning flash. The victim may afterward prove guilty or innocent, but a victim there must be. After the storm has passed over and men have turned their attention to other things, the casual observer may well wonder at the insignificance of the result. Government by indignation is the rule of blind anger, a species of political lynch law, in which the mob is composed of the erstwhile conservative classes. So long as we depend on the spurts and explosions of popular passion for our political motive power we may be assured that mere spasmodic political virtue will continue. Doubtless there will always be governmental evils to excite the righteous indignation of the honest man, but to those who value continuous progress, it seems far more important to offer some positive solution of economic and social problems immediately confronting us than to concentrate our attention wholly upon the defects in our government.

A second important cause of the weakness of reform movements is the notion that civic spirit is to be stimulated indefinitely by simple appeals to patriotism and sense of duty. There is a well-known law in physiology as in psychology that the excitement due to a stimulant does not increase steadily in proportion to the dose. Whether it be an application of alcohol or of reform, the period of stimulation soon reaches a maximum beyond which successive doses merely produce stupor. It is a wise reformer who knows when his patients have reached the maximum point of excitement. Unfortunately the analogy goes farther. Taken not only at a given moment or in a single campaign but over a number of years, the consumer of political

alcohol finds that his system is less and less exhilarated by the accustomed stimulant. Yet our political reformers rely upon the appeal to duty or to indignation as their principal excitant.

A third interesting feature of reform agitation is the comparative delay in resorting to personal work. The distinguishing feature of the newest efforts along religious lines is the emphasis placed on the work of the individual with the individual. The success of the machine in politics does not consist to any important degree in the mass meeting or the lecture, but in the quiet study of the individual, in the conversation between two men and in giving each man what he wants. Curiously enough, the forces which have been marshaled to secure honest government have been among the last to adopt this method. The impressions received in a mass meeting are transitory and indefinite. The enthusiasm generated by an address to a large body of men is soon crowded out by the more pointed and continuous operation of other interests. The forces of reform are only beginning to realize that their permanent existence must be founded upon the division worker rather than upon the moral lecturer. The frantic appeal must be superseded by the *tête à tête.*

In the next place the idea of a reform as a restoration should be immediately abandoned. Our independent political movements are not only negative but they are too often historical, or even antiquarian, in their trend. The argument that we should restore our government to its pristine state under the old conditions is one which may, and usually does, produce a salvo of applause, but it cannot sustain the action of the individual through long periods of active effort. Deep down in our inmost consciousness we are convinced of the fact that the old government was for the old conditions and that new circumstances require new methods. Against this deep-rooted conviction the reformer battles in vain. With all our reluctance to accept new theories the logic of the situation is slowly but surely making headway. Our reverence for the past is not less but our present need is greater. The practical sense of the people will not allow them to hesitate long in the choice between a restoration and a renovation. Another suggestion which may be hazarded is the need of a co-ordinating program of mechanical reforms. Attention has already been called to the waste of effort involved in the multiplication of separate and distinct societies with

similar ends, the same holds good of the efforts toward the betterment of our political constitution. If all the societies which are now endeavoring to secure the adoption of constitutional amendments, national, state and local, looking toward the mere structural repair of our governments,—such as the referendum, the compulsory vote, the direct primary, the alphabetically arranged ballot, the civil service, proportional representation, etc.,—could be federated into one great combination, if they could arrange definitely for a consistent order in which these changes should be urged upon the people and thereupon concentrate all their energy on the execution of the program, it can hardly be doubted that great and material progress might be achieved. Innumerable difficulties stand in the way of such a combination, but the movement once begun would doubtless commend itself to a majority of those concerned.

Lastly, the reform temperament seems to rely much upon the hypothesis that political improvements are to come principally or even wholly from the respectable middle class. This class forms a highly important factor in politics, but it is hardly the element from which great changes may be expected. If we divide society into four great sections, including the leisure classes, the active industrial and commercial capitalists, the middle class and the laborers, in the narrower sense of the term, it will be seen from what has already been said that the class here designated as active capitalists cannot afford to mingle extensively in political work beyond that immediately required for their most pressing business interests. The leisure class may also be discarded so far as political activity is concerned. While this section of the people furnishes in England a large majority of the political leaders of the nation, it has thus far in America shown no signs of a similar development. The long-continued traditions which in England have led the leisure class, that is the landed gentry, into politics and insured them the respect of the people have not been developed in this country. It may even be doubted whether the new industrial aristocracy of Great Britain will in the long run be able to maintain the high standard and traditions of the old landed gentry as against the more boisterous demands of the people.

How is it with the American middle class? The great mass of professional men, farmers, storekeepers, clerks and small business men are loosely classified in this group. The presence or absence of

political motives leading such a conglomerate mass towards action or apathy must necessarily vary with the individual occupations, but judged from the standpoint of independent political movements or reform parties, it must be admitted that their interest in recent years has not shown any marked increase. Is there reason to believe that the laborers are more interested in progressive or radical movements? The increase of the socialist vote in recent elections seems to warrant an affirmative answer. While the laborer has not uniformly been a strenuous advocate of reform movements, this is doubtless due to the existing impression that distinctive labor interests were not subserved by such movements. If the laboring class is not to be organized as a separate political party,—an event which is dreaded by many conservative Americans,—then our other political parties, regular and independent, must espouse more and more of the issues which distinctly interest this class. In municipal politics, for example, it will no longer suffice to offer a merely moral or pseudo-moral program, "turn the rascals out," such as has been displayed before the people for generations, but a positive proposal of definite civic improvements must be made, such as greater opportunities for decent recreation, a purer and more abundant water supply, improved housing accommodations, a reduction in the hours of labor in certain occupations, better and cheaper transportation, etc. These improvements would benefit all classes, but they especially interest the workingman. While such vital needs are being neglected, can we expect the immense vote of this class to be swayed by considerations of mere respectability in government? Hitherto the proposal of such changes has been greeted with cries of "Socialism!" but Socialism has ceased to be a threat. The mere fact that certain of these proposals are parts of the general Socialistic plan will not of itself condemn them.

In the growing demand for the solution of these problems a curious and comparatively unfamiliar feature of our politics is being developed. The executive power is insidiously acquiring a complete mastery over the government. Our collective legislatures by reason of their numbers have escaped almost completely from popular control and the people are therefore turning, as with one accord, toward the executive. In response to this changed attitude toward one who was formerly feared as a tyrant, the executive department has suddenly begun to take on increased powers. The

president, the governor, the mayor, justifying themselves upon the popular demand for action and popular distrust of the legislative assemblies, have reached out in all directions until the safeguards and restrictions placed on executive power after our struggle with the English Crown have been nullified and within the space of two decades our national, state and city administrators have reabsorbed most of the real powers wielded by the kings and sheriffs of old. Let any one converse with his neighbor on politics and it will at once be seen that the views expressed about Congress, the state legislature or the city councils are vague and distrustful. They become definite and pointed the moment attention is turned to the executive. Many of our political notions have been carried over from the time when few questions were debated in minutest detail by village folk, cut off from communication with the outside world for days or even weeks at a time, and forced to search for new topics of conversation. Under such a régime of life the pros and cons of public policy were necessarily developed in detail. The political system thus reared on abundant meditation and reflection was doubtless a good one, but it can exist to-day only in the remotest hamlets of civilization. Political questions are now presented to us in the midst of a superficial glance over the morning paper. Occasionally our foreign relations are considered worthy of remark or even extended discussion, but in the main the political question which aspires to secure our attention must be pointed and definite, must be capable of being answered by "yes" or "no," "Robinson" or "Smith." Now in choosing "Robinson" or "Smith" we exhaust our stock of elective energy, we accept the other men who are on the ticket and thereby we neglect all but the head of the executive government. In so doing we have changed the substance of our government, but, instead of reviving, as has been claimed, the old despotic abuses, we have grasped the only agency for securing the adoption of those real economic and social benefits which are of such vital importance under present conditions. The more we concentrate attention on the executive official, the easier it becomes to secure the activity of the hitherto apathetic class of the community, the simpler and more direct will be our political needs. It is, therefore, a matter for congratulation, rather than criticism, that at the precise moment when political affairs are suffering the keenest competition in the struggle for the attention of the citizen, the natural development of the execu-

tive power should begin to give an added point of definiteness to political action.

To summarize this attempted contrast between reforms and progressive movements, it may be said, *first,* that American politics though originally exalted in the minds of the people to an independent interest or group of interests, has now resumed a more natural condition as a mere means of promoting other interests; *second,* the forms of the old political system are still retained, but are incapable of application or successful operation because of the growing absorption not only in business but especially in the family, whereby the fund of interest in politics is almost entirely depleted; *third,* the efforts of reformers are aimed either directly at the establishment of a more honest personnel of government or at the structural improvement of our system by means of new political contrivances; *fourth,* the problems now demanding political treatment are hardly susceptible of solution by purely mechanical contrivances in government, by denunciation, by fiery outbreaks of popular wrath or by a return to primitive conditions of politics; *fifth,* these new issues demand open recognition from the existing parties or from new political organizations in which the labor class may be expected to play a much more important part; *sixth,* the growth of executive power in government has taken place largely in response to the new demands and has quietly but none the less effectively changed the real workings of our system.

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THE NATIONALIZATION OF MUNICIPAL MOVEMENTS

The growth of public interest in municipal affairs during the past ten years has been nowhere more strikingly manifested than in the number and extent of the organizations which have been formed to consider the several phases of the question. Prior to 1894 there was no national body devoting its sole attention to municipal topics. The American Society of Civil Engineers gave some attention to technical features as did the American Public Health Association; and the American Economic Association and the American Academy of Political and Social Science occasionally heard a paper on the economic aspects of certain municipal questions. In January, 1894, however, there was held in the city of Philadelphia a National Conference for Good City Government to consider exclusively the municipal question. The meeting was held in response to the growing feeling of necessity for a conference among workers for municipal welfare. There had grown up in the several cities organizations to consider questions of local government. These were led by public-spirited men who saw and appreciated the dangers incident to a continuation of municipal corruption and inefficiency and who felt the need of co-operation and conference.

Out of this meeting grew the National Municipal League, which represents primarily the interest of the citizen in municipal affairs. While welcoming into its ranks all interested in the municipal problem whether as student or official, it is first and essentially a citizens' body and whatever of success has attended its efforts has been due to the persistency with which this idea has been followed out by the League. In the attainment of its first object—that of bringing together for conference and discussion, those interested in municipal questions, it has been unquestionably successful. Its nine meetings, held respectively at Minneapolis, Cleveland, Baltimore, Louisville, Indianapolis, Columbus, Milwaukee, Rochester and Boston have been attended by a serious-minded body of men whose whole thought and aim has been the promotion of the welfare of American cities. They have grown to be what Professor Charles Zeublin calls "trained experts," men who are identified with everything that is "moving towards the improvement of the great municipal corporations." This of itself is an accomplishment of

no mean proportion. If nothing else had been done the fact that from year to year a group of disinterested public-spirited men could be brought together to consider the conditions and needs of the cities of the country, would justify the existence of the National Municipal League.

This is not all that it has done. Through its numerous committees, substantial contributions to the study and practice of municipal government have been made. The Committee on Municipal Program, of which Horace E. Deming, of New York, was chairman, drafted a report as a result of two years' labor, consisting of certain constitutional amendments, a Municipal Corporation Act and descriptive and explanatory papers, which has been as highly praised and as widely used as any report thus far made on any branch of the municipal question. It has been used by every charter commission and constitutional convention held since its publication. It has been used in Cuba, Hawaii and Porto Rico. Many of its provisions have been used in their entirety in new charters, and the recently adopted constitutions of Alabama and Virginia have used some of the provisions of the proposed amendments nearly word for word. The discussion of the Program has been widespread and thorough and of itself a valuable contribution.

The Committee on Instruction in Municipal Government in American Educational Institutions, of which President Thomas M. Drown, of Lehigh University, is chairman, has for two years been at work bringing the subject to the attention of college and university instructors and authorities, and has furnished the needed working material for the introduction of the courses. In this way it is expected that during the next ten years much closer and more detailed attention will be given to the whole question in educational institutions to the end that there will be created a more intelligent public sentiment which will be intolerant alike of corruption and inefficiency.

A third committee, of which Dr. E. M. Hartwell, City Statistician of Boston, is chairman, has been at work for two years on the subject of uniform municipal accounting and statistics. Its aim is to devise a series of schedules for the use of cities so that comparisons of the accounts of different cities and of the same cities at different times will be possible and easy of accomplishment. At the present time the accounts of the various cities are made up on

different bases; a variant nomenclature is used and the fiscal years vary so that comparisons are difficult if not impossible. This committee, composed of expert municipal accountants like Harvey S. Chase, of Boston, State Examiner Harry B. Henderson, of Wyoming, and Professor J. W. Jenks, as well as careful and well-trained students of municipal affairs, has so far succeeded with its work that there are a number of cities which have already changed their accounts to conform to the National Municipal League schedules and others are arranging to do so during the coming year.

There are various other lines of activity pursued by the League but sufficient has been said to indicate the character of its activity and the degree of success which has attended its efforts. Its accomplishments have not been spectacular but the subject is not one which permits of sensational features. Its work has had to do with the creation of public opinion and this of necessity is slow and to be fruitful must ofttimes proceed without claiming much notice or attention. It is like the growth of a plant—slow and sure and observable only in the final results.

In the same year that saw the organization of the League, the American Society of Municipal Improvements was organized at Buffalo to consider the practical problems arising in the physical improvements of cities. While there were a few mayors concerned in the formation of this society, the bulk of those participating in the first meeting were administrative officers, heads of bureaus and especially municipal engineers. The scope of the activities is shown by the standing committees: street paving, electric lighting, sewerage and sanitation, water works and supply, taxation, garbage and street cleaning. The need for such a body will be seen by quoting from the annual address of President Nelson P. Lewis, at the Toronto meeting in 1899, when he pointed out that there were at that time "212 cities in the United States of 15,000 population or more, and a total population of 17,298,662, and from the returns made by seventy-eight of them, assuming these to have been a fair average, the expenditure during 1898 for municipal improvements had been:

Streets	$49,301,187
Water supply	32,867,458
Sewage	14,057,142
Public lighting and buildings	26,779,847
Parks and bridges	22,198,566

"The cost of police and fire protection reached the enormous sum of $66,330,023. The figures quoted do not include the vast sums expended for water-front improvements, education, libraries, museums, public baths, markets, charities and corrections."

It is certainly a matter of the first importance that those officials who have to deal with questions involving the expenditures of such large sums should be well equipped and fully informed as to the latest and most improved methods. The American Society of Municipal Improvements has sought to furnish this equipment and to a marked degree it has been successful. This is a work which a body like the National Municipal League could not consistently nor effectively deal with. It is technical and while of great importance, is of direct and practical interest to but a limited number in each community. The mass of the people are interested only in the concrete result; not the "how" of the ways and means. These are matters for the trained technical expert.

The League deals with broad questions of policy; with public sentiment; with the public welfare in its broader aspects. The American Society deals with methods; with the execution of the policies once determined upon. Both are necessary. Each supplements the other.

The people want well-paved streets; and carefully planned sewerage systems. They leave the execution of their desires and policies when once determined upon to their administrative officers and to their municipal engineers. It is like the board of directors or of stockholders of a railroad company. They determine where the grades are to be abolished and where bridges should be erected and where the extensions are to go; but the execution of these plans they leave in the hands of their engineers and constructors.

It is with this side of the question that the American Society of Municipal Improvements deals and its annual meeting and its annual volume of proceedings while in no sense of the word popular have been of great help to the men, little known or heard of in our various communities, who are carrying forward greatly needed municipal improvements and extensions.

In the words of one of its former officers, the "Society has not been much talked about. It has put forth no startling theories, it has undertaken no great reforms; but it has brought together the

men who are planning and executing great municipal works; who are building up or are making over our American cities. If their methods have been out of date it has shown them the most modern practice. If their work was costing too much it has shown them where public money could be saved. It has, after careful study and discussion recommended standard tests of the materials of construction and standard requirements for specifications, and that its recommendations have carried weight is shown by the greater uniformity in the specifications now in use by the cities represented in the Society. It has given special consideration to the standardizing of municipal reports and prepared forms for reports on various municipal industries, such as electric lighting, street cleaning, garbage disposal, operation of water works, construction and maintenance of pavements and sewers."

There are, however, features of municipal work in which officials are specially interested which are not included in the programs of the National Municipal League or the American Society of Municipal Improvements or at least which it was thought that they would not take up, and a new organization was formed to consider them. This was the League of American Municipalities. Its first meeting was held in Columbus, Ohio, in 1897, and was composed almost exclusively of mayors and councilmen, *i. e.*, those officials charged with the determination of municipal policy. Some of the promoters of this League sought to set it in antagonism to the National Municipal League, maintaining that there was need for an organization of officials who did things as contra-distinguished from a body of citizens who talked about things. There were still others who sought to place it in antagonism to the American Society of Municipal Improvements, but this feeling has long since passed away and those who were responsible for this hostile feeling have been replaced by those who believe that the largest measure of co-operation on the part of all concerned is essential to the elevation of American city life.

This League has held annual meetings and in this way brought together numerous city officials who have hitherto given but little general attention to the features of the municipal problems. That it has broadened their views is unquestioned and in this way has done much good. Thus far its concrete accomplishments have not been numerous, but it has carried on a discussion on

municipal ownership, drainage, disposal of sewage and a few other similar questions with great effect. It has also led to the formation of a very considerable number of State Leagues of Municipalities and many of these have been in the highest degree useful. Those in Wisconsin, Iowa and California are particularly aggressive and have done much for the intelligent education of public officials in those states. All three publish monthly papers: *The Municipality, The Midland Municipalities* and *California Municipalities.*

As an evidence of the benefit of such state organizations, in arousing interest in city affairs on the part of municipal officials, the successful work of the California League may be cited. Ten bills and a constitutional amendment were introduced at its instance at the 1901 session of the California Legislature. All of these were passed except one. None of the bills represented radical departures from the established municipal policy of the state, but all were in the direction of efficiency and improvement. The "Special Tax Act" was the most important. It authorized the imposition of a special tax not to exceed fifty cents on the $100 for specific public improvements. The levy and the improvement must both be submitted to the people, a two-thirds vote being necessary for the levy. The tax may be continued through a series of years until the improvement is completed. The act enables cities to extend their light and water works, to build bridges and erect buildings without running into debt. The "Bond Act" abolished the forty-year minimum which has heretofore existed in California, so that municipalities can now borrow for periods ranging from one year to forty. In addition the procedure has been much simplified and placed on a much more business-like basis. The "Library Law" makes it mandatory for a city to establish a public library when petitioned by 25 per cent of the voters. It also authorizes a maximum tax levy for such purposes of ten cents on the $100 in first, second and third-class cities and of twenty cents in the other classes. County supervisors are authorized to maintain traveling libraries. The other laws deal with the question of assessments for public improvements, the extension of fire limits in cities of the sixth class; the diversion of municipal fines from the county treasury to the city treasury and the consolidation of certain offices. A constitutional amendment exempting public bonds from taxation

so that cities can negotiate their loans at lower rates was also authorized to be submitted to the people at the next election.

These results were accomplished because of the activity and energy of the League. It also determined to oppose the proposed constitutional amendment providing for the creation of a state commission to regulate transportation, telegraph, telephone and express charges and the rates for gas, water and electric services; as well as to supervise insurance companies and banks.

It would seem that these three bodies covered with a fair degree of completeness the entire municipal field. Not so, however. There is one great field of endeavor which has thus far been left almost untouched by the older bodies, and yet which is of prime importance to the full and complete development and evolution of our cities. I refer to the artistic needs of our cities. These have too long occupied but a subsidiary place in our plans and thoughts. The need of an association to promote "the conservation of natural scenery, the acquirement and improvement of land for public parks and reservations and the advancement of all outdoor art having to do with the designing and fitting of grounds for public and private use and enjoyment" becomes obvious on reflection—that is if no existing body has taken the matter up or is likely to take it up— and the American Park and Outdoor Art Association is the result. I am not at all sure but that one of the older bodies could have taken up this important phase—but the American Park and Outdoor Art Association has amply demonstrated its usefulness; and has done much to bring about a much healthier and more reasonable public attitude on the subject of public beauty in our cities and towns.

There is no denying we are a prosaic and utilitarian people as yet. The great bulk still ask when a proposition to beautify the city is made: "What good? Why this expenditure?" This attitude, however, is yielding through the enlightenment of public sentiment by the American Park and Outdoor Art Association and the American League for Civic Improvement, which is the latest organization formed to give consideration to municipal affairs.

Perhaps the *raison d'être* of this last named body can be best given in the words of its former president, Professor Charles Zeublin, in a recent address before the National Municipal League. After referring to the work which the League had done and to the men who had charge of its activities as men "who are versed in all the

intricacies of municipal government and who not only know what is going on in all parts of the country, but who are largely responsible for the good things that are going on in the cities," and after referring to the American Park and Outdoor Art Association as composed of men who are pioneers as landscape architects and men who have demonstrated by the work which they have accomplished that they are experts in their lines said:

"But the American League for Civic Improvement is composed of those who are not experts, and it is an organization which is going to represent the mass of the people who do not know anything, except that they want to know something and who are only doing the little bit of work that seems to occur to them to do along their narrow path, a back street, or in their little school house, but who know that there must be something going on in the outside world with which they should like to be identified. It was founded in response to a demand that grew from the desire of local improvement societies in different parts of the country for some bond of communication."

These are the five national organizations at work on the solution of the municipal problem. They are at once the evidence and the cause of the expanding interest in municipal affairs which has characterized the past decade. A word as to the personnel of the several bodies. James C. Carter, the leader of the American Bar, has been the president of the National Municipal League since its formation in 1894. In fact there has been no change in the officers, except that George Burnham, Jr., of the Baldwin Locomotive Works in 1895, succeeded R. Fulton Cutting, of New York, as treasurer. There have been additions to the Executive Committee, headed by Charles J. Bonaparte, of Baltimore, but no other changes except those caused by death. This has given to the League that permanence and continuity of effort which has been so frequently referred to and has been so helpful to its development. The constituency of the League has been the various local reform organizations known as affiliated members and individuals known as associate members. The constituencies of the American Society of Municipal Improvements and the League of American Municipalities are composed of cities, and the representations at the meetings have therefore varied considerably. Still there has been a small group in each which has given some degree of continuity to the two

bodies. In the League of American Municipalities, Hon. John MacVicar, first as president and latterly as secretary, has done as much if not more than any other man to hold it together. Although no longer a city official he has been retained on the management of the League.

The American Park and Outdoor Art Association owes its success to its former secretary, Warren H. Manning, of Boston, and his successor, Charles Mulford Robinson, of Rochester and the co-operation of the several presidents who have succeeded one another year after year. Professor MacFarland, as president, with an efficient Executive Committee, has managed the American League for Civic Improvements which is composed of individuals and local improvement associations.

The suggestion has been made that there should be a closer co-operation between these several bodies and perhaps federation so that any possible duplication of effort may be avoided; at the same time assuring an increase of efficiency and a more complete co-ordination of activity. As several of the organizations appeal to different constituencies and all pursue different lines, it is doubtful whether the time is ripe for so radical a step as federation, but the suggestion of a permanent secretary to serve all five bodies and to be made a centre of municipal endeavor in the United States, is a feasible step which can and should be undertaken without delay.

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POLITICAL AND MUNICIPAL LEGISLATION IN 1902[1]

Constitutions.—The revised Connecticut constitution submitted to the people at a special election held June 16, 1902, was rejected. Gross inequality in legislative representation was the great evil that led to the holding of a constitutional convention. The convention, however, failed utterly to correct this evil and the makeshift that it offered the people was acceptable to neither party.

A constitutional convention met in New Hampshire in December, 1902. The present constitution of that state was adopted in 1792 and has since been amended but three times. The constitution of the state requires the question of calling a convention to be submitted every seven years.

The constitution adopted by the Virginia constitutional convention was declared in force June 10, 1902, without submission to the people. The new constitution is three times as long as the previous constitution of 1869. About half of the document treats of subjects that are in no sense organic in character, and many of the provisions relating to subjects of a fundamental character might better be left to statutory regulation. It seems odd that in what purports to give the fundamental framework of the government as much space should be devoted to corporations (chiefly transportation) as to the three departments of government, legislative, executive and judicial.

The bill of rights and the articles on the executive and judicial departments are not greatly increased in size; the article on suffrage and elections is expanded from less than a page to six pages; that on the legislative department is expanded to double its former size, chiefly by the inclusion of detailed restrictions on special legislation; that on municipal government is expanded from two to six pages by prescribing in considerable detail the organization of cities; the article on education sets forth in considerable detail the organization and duties of the state board of education; the article on taxation and finance covers four times as many pages as the former article and contains detailed provisions for the taxation

[1] This is the Eighth Annual Review of Political and Municipal Legislation, published in the ANNALS. The review for 1901 appeared in Vol. XX; for 1900 in Vol. XVII; for 1899 in Vol. XV; for 1898 in Vol. XIII; for 1897 in Vol. XI; for 1896 in Vol. IX; and for 1895 in Vol. VII. The first four reviews were prepared by Dr. E. D. Durand; the others by Dr. Whitten.—ED.

of railways and canals, which, however, may be modified by the legislature after 1913. Entirely new articles are added on agriculture, public institutions and corporations. The detailed provisions of the later article relating to the regulation of transportation and transmission companies may, after January 1, 1905, be amended by the legislature on the recommendation of the state Corporation Commission. These various methods of amendment will in the future make the consultation of the Virginia constitution a rather difficult task. The question arises whether if constitutional conventions will persist in enacting strictly statutory regulations, such regulations should not be excluded and issued as separate statutes or ordinances subject to repeal as other statutes by the ordinary law-making power.

Constitutional Amendments.—Of the sixty amendments submitted to the people in 1902, forty-seven were adopted.

To facilitate voting on constitutional amendments, Ohio ('02, p. 352) has followed the lead of Nebraska ('01, ch. 29) in providing that if the state convention of a political party declares for or against a proposed constitutional amendment such declaration shall be considered a portion of the party ticket. A straight vote for the ticket will then count as a vote for or against the amendment. In these, as in a number of other states, not simply a majority of those voting on amendments is required, but a majority of all the votes cast at the election. Many voters favoring an amendment neglect to vote on it, so that amendments often fail even though there be little opposition to them.

The present constitution of Ohio was adopted in 1851 and since that time very few amendments have been accepted by the people. Several important amendments will be submitted in 1903 and it is expected that the new law will facilitate their adoption. This is carrying our system of party government one step further, as under it party conventions become important constitutional assemblies. Our constitutions have become so voluminous and detailed, including as they do much purely administrative law, that constant amendment is almost a necessity, and if the people will not take the trouble to vote individually on matters not of great public interest it seems better to have party responsibility than to have the result determined by a few. Of the sixty amendments submitted to the people in 1902 not more than one-third were, strictly speaking, questions of constitutional law.

In Minnesota three amendments that received at the last election a very large majority vote failed because they did not have a majority of all the votes cast at the election. On the taxation amendment there were 124,584 votes in favor and only 21,251 against. With a provision similar to that of Nebraska and Ohio these amendments might have been adopted. In Mississippi also two amendments that received a majority vote failed for the same reason. Another amendment was submitted at the same election in Mississippi (which, however, failed even to receive a majority of the vote cast upon it) providing that a majority of the votes cast on the question of an amendment should hereafter be sufficient for its adoption, and providing also that the decision of the legislature should be final as to whether an amendment had been duly adopted. In State v. Powell, 77 Miss. 543, the Supreme Court held that the questions of legality of submission and adoption of amendments were judicial questions. The constitution provides that amendments adopted by the people shall be inserted in the constitution by the legislature and the adoption of the proposed amendment would have made such action final.

State Boards and Commissions.—About the usual number of new boards and offices have been created, boards for the examination and licensing of various professions and occupations being particularly numerous. In the past the movement toward a multiplicity of boards and commissions has been most marked perhaps in New York and Massachusetts. In 1901, however, Governor Odell secured the consolidation of a number of boards and offices, and during 1902 Massachusetts has accomplished even more in this same direction. In accordance with the recommendations of Governor Crane the following consolidations or transfers of power were made: transfer of powers and duties of pension agent to commissioner of state aid; transfer of powers and duties of fire marshal to district police; of cattle commissioners to State Board of Agriculture; of inspector of gas and gas meters to Board of Gas and Electric Light Commissioners; of inspector general of fish to Board of Fish and Game Commissioners; of inspector and assessor of liquors to State Board of Health. In Ohio the duties of the Board of Live Stock Commissioners were transferred to the State Board of Agriculture ('02, p. 412).

Uniform Legislation.—Ohio and Louisiana have created boards for promoting uniform legislation (O. '02, p. 107; La. '02, ch. 39). An Ohio act of 1898 (p. 295) provided for a similar commission limited in duration, however, to two years. Massachusetts has added two members to its commission, one to represent workmen and the other manufacturers, to further the uniform adoption of the eight-hour day. Iowa, New Jersey and Ohio have adopted the uniform negotiable instruments law, making in all nineteen states that have adopted it.

Veto Power.—The new constitution of Virginia adds to the governor's right to veto separate bills the right to veto any particular item or items of an appropriation bill (§ 76). This power is now granted the governor in about half the states. In three states, Rhode Island, Ohio and North Carolina, the governor has no veto whatever. Governor Kimball, of Rhode Island, in his message recommends the granting of the veto to the governor, but no action has been taken by the legislature. Ohio has submitted to vote in 1903 a constitutional amendment giving the governor a stronger veto than is now exercised by the governors of most other states. He may veto any bill, *any section of a bill* or any item of an appropriation bill ('02, p. 962.) The governor of Washington also is permitted to veto separate sections of any bill (Constitution, Art. 3, § 12). This gives him a very effective control over all kinds of legislation.

Direct Legislation.—Oregon adopted the initiative and referendum amendment submitted in June, 1902, by a vote of 62,024 to 5,668. The total number of votes cast at the election was 92,920. The amendment is sufficiently complete in its provisions not to need legislation to put it into effect. It applies to state legislation only and provides for the initiative on the petition of 8 per cent and for the referendum of 5 per cent of the electors ('01, p. 471).

In recent years the legislatures have become accustomed to attach a referendum clause to a great many local acts. Many general laws also only become applicable to particular localities on the affirmative vote of the electors of the locality. It is believed that in many cases this movement has gone too far, making mandatory a vote of the electors on subjects which might better be passed on by the regular local authorities. To be most effective the referendum should be optional, that is, apply only where there is

a demand for it evidenced by a petition signed by a certain percentage of the voters. It is of course desirable that local acts should not become operative in communities without their consent, but it would be better to make the consent of the local governing board sufficient, except where a petition is presented asking for the referendum.

Special Legislation.—During the session which began December 4, 1901, and ended March 4, 1902, the Virginia legislature passed 694 laws, only eighty-seven of which were general and permanent in character. The new constitution contains numerous restrictions on special legislation and we may therefore expect that at the next session the proportion of general laws will be greatly increased.

Under the old constitution there were practically no restrictions on special legislation. Under the new constitution the legislature is prohibited from passing special private or local laws in twenty enumerated cases including chartering or the amending of the charter of a private corporation, granting any privilege or immunity to a private corporation, exemption from taxation, regulating interest, granting pensions, conducting elections, etc. (§ 63). Special municipal legislation is not prohibited, but the legislature is enjoined to pass general laws for the government of cities and towns and may pass special laws only by a recorded vote of two-thirds of the members elected to each house (§ 117). The amendment or partial repeal of a general law "shall not operate directly or indirectly to enact and shall not have the effect of the enactment of a special, private or local law" (§ 64).

A joint committee on special, private and local legislation is provided for, consisting of seven members from the house and five from the senate. Before reference to a committee, every special, private or local bill must be considered by this joint committee and reported with a statement in writing whether the object of the bill can be accomplished under general law or by court proceedings. Either house, however, may discharge the joint committee from the consideration of a bill (§ 51).

Legislative and Congressional Apportionment.—Eighteen states reapportioned congressional districts in 1901, and six states in 1902, making twenty-four that have provided a reapportionment since the Federal census of 1900. Fifteen states reapportioned

representation in both branches of the legislature in 1901, and two states have done so in 1902, while in the two years fourteen states have reapportioned representation in either the upper or lower branch of the legislature. Governor McSweeney, of South Carolina, in recommending a reapportionment of congressional districts states, "there no longer exists any reason for the shoestring districts . which we have in this state, and it is a duty you owe the people to redistrict the state into congressional districts that will be compact and contiguous in territory."

Sessions.—The Virginia legislature has been meeting biennially in December of odd years, but under the new constitution it will now meet in January of odd years. Iowa has referred to the legislature of 1904 a constitutional amendment changing the time of the biennial sessions of the legislature from even to odd years ('02 j. r. 5.) All of the states having biennial sessions except Vermont, Ohio, Iowa, Kentucky, Maryland, Mississippi and Louisiana now hold their sessions in the odd numbered years.[2]

In Mississippi the legislature now meets in regular session every four years and also in regular "special session" every four years, the regular and special sessions alternating so that a session is held biennially. This "special session," however, is strictly limited in duration and in the subjects that may be considered without a special recommendation from the governor. At the election in November a constitutional amendment was rejected providing for regular sessions every two years ('02, ch. 142).

In Virginia the new constitution reduces the duration of sessions from ninety to sixty days, but as formerly a thirty-day extension may be had on a three-fifths vote.

Presiding Officer of Senate.—Rhode Island has conformed to the practice of sister states by the adoption of a constitutional amendment in November, 1902, making the lieutenant governor the presiding officer of the senate in place of the governor ('02, ch. 952). On disability of the governor the lieutenant governor formerly acted as presiding officer. Under the new provision the senate will elect a president *pro tem.*

Direct Election of United States Senators.—Governor Voorhees, of New Jersey, and Governor Tyler, of Virginia, recommend

[2] The Alabama Constitution of 1901 changed the time of session from biennially in November of even years to quadriennially in January of odd years.

that steps be taken to secure the election of United States Senators by direct vote of the people. Governor Voorhees makes the point that "that conservatism of sentiment, that cautiousness in action which it is thought comes from the manner of the election and which is so greatly to be desired, owes its origin not to the method of selection so much as to the length of term for which the selection is made." He contends that at present in many cases the influences brought to bear on legislators in making the selection of United States Senator are not such as to further the wisest choice.

No action was taken by the legislatures of either New Jersey or Virginia in accordance with these suggestions, but the Kentucky legislature adopted a resolution similar to that adopted by twelve other states in 1901, petitioning Congress to call a convention to propose an amendment to the United States Constitution providing for the election of senators by popular vote ('02, p. 394). The Kentucky resolution contains the following preamble:

> *Whereas,* A large number of state legislatures have at various times adopted memorials and resolutions in favor of election of United States Senators by popular vote, and
>
> *Whereas,* The National House of Representatives has on four separate occasions within recent years adopted resolutions in favor of this proposed change in the method of electing United States Senators, which was not adopted by the Senate, and
>
> *Whereas,* By reason of alleged corruption and fraud and the corrupt use of money the election for United States Senators in several states has been prevented and by dead-locks several states have failed to elect senators and in a number of instances the will of the people, prevented, and
>
> *Whereas,* Article fifth of the Constitution of the United States provides that Congress on the application of two-thirds of the several states shall call a convention for proposing amendments, and believing there is a general desire upon the part of the people of Kentucky that United States Senators should be elected by the people, be it resolved, etc.

In a number of states where the direct nomination system has been in use it has been customary to nominate the party candidate for senator by direct vote. The new Mississippi direct primary law applies to such nominations ('02, ch. 66, § 18).

Virginia Suffrage Qualifications.—As in the case of all recent constitutional conventions in the South, the chief problem before the Virginia convention was that of negro suffrage. The solution reached is similar to that reached by Louisiana in 1898, North Caro-

lina in 1900, and Alabama in 1901. Previous to January 1, 1904, every male citizen having the prescribed qualifications as to age and residence is entitled to register if he: (1) has served in the United States or Confederate army or navy, or (2) is a son of such person, or (3) owns property on which he has paid at least $1 state taxes during the preceding year, or (4) is able to read and give a reasonable explanation of any section of the Constitution or if unable to read such section, is able to understand and give a reasonable explanation thereof when read to him by the registration officers. Persons thus enrolled are not required to register again unless they shall have ceased to be residents of the state or have otherwise become disqualified (§ 19).

Any person not registered previous to January 1, 1904, must conform to the following conditions in order to register: (1) pay personally all state poll taxes assessed against him for the three years next preceding; (2) unless physically unable he must make application to register in his own handwriting, without aid, in the presence of the registration officers, stating his name, age, date and place of birth, residence and occupation (§ 20).

All persons duly registered, except veterans, in order to vote must have paid, at least six months prior to the election, all state poll taxes for the three years next preceding (§ 21, 22). Every voter registered after January 1, 1904, must, unless physically unable, prepare and deposit his ballot without aid, on such printed form as the law may prescribe; but any voter registered prior to that date may be aided in the preparation of his ballot (§ 21).

The legislature may prescribe a property qualification not exceeding $250 for voters in any county, city or town in local elections, but such action must be on the initiative of a representative in the legislature of the county, city or town affected, and the legislature may in its discretion make such exemptions from the operations of this property qualification as shall not be in conflict with the Constitution of the United States (§ 30).

Poll Tax.—The payment several months prior to the election of all poll taxes for the two or three years next preceding is an expedient adopted by a number of the Southern states for disfranchising the indifferent or corrupt elector. When the payment of a poll tax at any time previous to the election is a requirement for voting, it often results in the payment of the tax by the person or

party that needs the vote of the elector. Such, however, will hardly be the case if payment is required six months previous to election. Texas has just adopted a constitutional amendment providing that every voter shall hold a receipt for his poll tax showing its payment before February 1 next preceding the election ('01, p. 322). In Louisiana a constitutional amendment for the repeal of the provision requiring the voter to show poll tax receipts of two preceding years was rejected by the people ('02, ch. 83). The new Virginia Constitution requires the payment at least six months prior to election of all state poll taxes for the three years next preceding.

Party Organization.—The new direct primary law in Mississippi ('02, ch. 66), provides that whenever there are two executive committees in any county claiming recognition as the regular executive committee of the same political party the state executive committee may, after giving thirty days' notice, order a primary election for the purpose of selecting a new executive committee and may appoint a sub-committee to appoint the election officers to conduct the primary election and receive the returns. The conclusion of the state executive committee as to the result of the election is final.

The state executive committee consists of three members from each congressional district chosen by the delegates from the different congressional districts attending the state convention. Their term is four years.

The county executive committee consists of fifteen members, three from each supervisor's district, elected at a primary election or chosen by the delegate county convention. Each county has representation on the district executive committee in proportion to double its vote in the House of Representatives. The full vote to which each county is entitled may be cast by its executive committeemen present at the meeting of the district committee.

A state convention shall be held by each party in 1904 and every four years thereafter to select a state executive committee to appoint delegates to the national convention and to nominate presidential electors. Each county is entitled in the state convention to a number of votes equal to double its representation in the House of Representatives. The delegates are selected by county delegate conventions held in each county.

County executive committees may investigate irregularities in the conduct of a primary election in any precinct. State and district committees are also given similar powers and may review the action of county executive committees and correct any errors they may make relating to district or state offices.

Enrollment.—The new primary law for Baltimore provides an enrollment of party members at the time of registration. There shall be provided in the registration books a column headed "party enrollment," and the board of registry shall enter in this column the name of the political party, if any, to which the voter is inclined and with which the voter desires to have himself recorded as affiliated. It shall be the duty of the board of registry to explain to each voter that the statement of such party affiliation does not bind him to vote for the candidate of such party at any given election; also, that he has the right to decline to state any party affiliation, but that no one who is not recorded upon the registry as affiliated with a particular political party will be qualified to vote at subsequent primary elections of said political party. A voter failing to enroll may enroll at any intermediate registration subsequent to the close of the next general registration ('02, ch. 296, § 153).

New York, which had already provided for an enrollment at the time of registration in cities of the first and second class, has now made provision for a town enrollment at the time of registration on vote of the county committee. The act, however, applies to but nine of the sixty-one counties in the state. Personal application for enrollment is not required and supplemental enrollment is provided for. The expense is a town charge ('02, ch. 195).

Test of Party Allegiance.—The Mississippi direct primary law provides that no person shall be eligible to participate in primary elections unless he intends to support the nominations in which he participates and has participated with the political party holding the primary within two years preceding and is not excluded from such primary by regulations of the party state executive committee. The test provided by the new Baltimore law is given above under Enrollment.

Primary Elections.—The governors of Maryland, Mississippi, New Jersey and Virginia recommended to their respective legislatures the enactment of general primary laws. Governor Smith, of Maryland, said: "The people are as much entitled to their right

to choose candidates as to their right to choose their officers at the ensuing election." The Maryland legislature passed an act, general in form, but containing in its last section an exemption of every county in the state, leaving the act applicable only to the city of Baltimore ('02, ch. 296). The act applies to parties casting 10 per cent of the vote. Elections for all parties are held at the same time and place, the day being fixed by agreement of the governing bodies of the parties. The elections are conducted under the direction of the board of supervisors of elections by the regular election judges and clerks. The expense of the primary is a public charge and separate official ballots are provided. Nomination by direct vote or by convention is optional with the parties. If nominations are to be made by conventions, each candidate may have his name placed on the official ballot above the names of the set of delegates selected by him or running in his interest and every vote cast for the candidate by marking in the square opposite his name is counted for his entire set of delegates.

Baltimore is thus added to the list of communities still comparatively small in number in which the official primary is mandatory, the term official primary being here used to designate primaries conducted by public officials under strict statutory regulation. Laws providing for such primaries are in force in California, Illinois, Maryland, Michigan, Missouri, New York, Ohio and Oregon. Only in Minnesota, however, are official primaries mandatory throughout the entire state. In California they are mandatory in cities and counties of 7,500; New York, in cities of the first and second class; Ohio, in Hamilton and Butler Counties; Maryland, in Baltimore; Illinois, in Cook County; Michigan, in Grand Rapids; Oregon, in Portland. In Massachusetts and Rhode Island primaries are conducted under strict statutory regulations by party officials elected annually for the purpose of conducting all primaries during the year.

The governor of Mississippi calls attention to the provision in the constitution requiring the enactment of laws to secure fairness in primaries and conventions and states that existing statutes do not meet the constitutional requirement or amount even to a respectable makeshift. In conformity with his recommendation the legislature passed a primary law providing for direct nominations of candidates at elections held under the control of party committees subject

to comparatively simple regulations ('02, ch. 66). It is the duty of the state executive committee of each party to furnish the county committee a sample of the official ballot to be used, "the general form of which shall be followed as nearly as practicable." This act also prescribes to some extent the form of party organization and representation in conventions.

Governor Murphy, of New Jersey, in recommending a primary election law states that primaries in New Jersey are still conducted by party agencies and that under present conditions "the free and untrammeled expression of the party voters is well nigh impossible." He states that it is currently reported that in more than one case the popular will has been unable to express itself and the popular choice set aside by practices and proceedings rendered possible by the methods under which primaries are conducted. He recommends that the primaries of the two leading parties be held under the supervision of the regular boards of election and that the expense be made a public charge. The only action taken by the legislature of 1902 toward carrying out the governor's recommendation was to authorize the governor to appoint a commission to examine into the advisability of a new primary election law and report to the legislature of 1903 ('02, ch. 150).

The recommendation of Governor Tyler, of Virginia, failed to secure any legislation on the subject. The new constitution, however, enjoins the legislature to pass such laws as are necessary to secure the regularity and purity of primary elections (§ 36).

Direct Nominations.—The system of direct nominations as opposed to nomination by convention, has long been in use by the voluntary action of political parties to a considerable extent in all the Southern states and to a less extent in Colorado, Indiana, Iowa, Kansas, Maryland, Missouri, Nebraska, Ohio, Pennsylvania and South Dakota. The direct vote system has recently been made mandatory in nominations for certain offices in Minnesota ('99, ch. 349; '01, ch. 216), and Grand Rapids, Mich. (Local acts '01, ch. 471), and to a limited extent in Massachusetts ('01, ch. 402; '02, ch. 537). Mississippi has now made direct nominations mandatory ('02, ch. 66), but the primaries are to be held as formerly under the supervision of the party committees.

The practice in Boston has for some time been almost equivalent to the direct vote system. The general primary law provides that

against the names of delegates to a convention a statement may be added that they are favorable to or opposed to certain persons or measures. In 1901 the legislature passed an act making mandatory direct nominations for state senator and for members of the state committee in each of the Suffolk County senatorial districts ('01, ch. 402). In 1902 provision for direct nomination was extended by an act providing that "every nomination by a political party of a candidate for representative in the general court or any elective city office, except a member of the school committee of Boston, to be voted for annually in two or more wards of one city, shall be made in caucuses by direct plurality vote" ('02, ch. 537).

Mississippi has made direct nominations mandatory for all parties ('02, ch. 66). The law applies to all nominations for state, district, county and county district offices. The primaries are held under the supervision of the county executive committees. The expense of the primary is borne by the party and the candidates. The cost of printing ballots and transmitting ballots and booths is apportioned by the county executive committee among the candidates and the law provides that this shall be the only expense chargeable against candidates. A majority vote is required to nominate, but candidates for legislative, county and county district offices may agree, in writing, that the candidate receiving a plurality shall be declared the nominee. In case of a state or of a district office, if no candidate receives a majority, then, if the candidate who received the highest vote, received a majority of the electoral vote, by giving to each county the same electoral vote that it has representation on the district executive committee and by giving the electoral vote of the county to the candidate having the highest popular vote in the county, he shall be declared the nominee. If no nomination results from the first primary a second is held limited to the two candidates receiving the highest number of votes at the first primary.

Ballots.—Governor Smith, of Maryland, commends the election law adopted at the extra session of 1901 (ch. 2) abolishing party emblems and providing an alphabetical arrangement of candidates. He says, "it has fulfilled the expectation and design of its framers in promoting independent, intelligent and discriminating voting and in rendering the ballot absolutely secret, thereby decreasing bribery and improving the moral tone of our elections." Under this law it will be recalled that in order to make the task of the illiterate

voter even more difficult, the tickets in some counties were published in fantastic type. To correct this abuse the governor advised the use of uniform type throughout the state and a law was passed to effect this ('02, ch. 133).

The new constitution of Virginia provides that ballots shall be without any distinguishing mark or symbol and that the voter may erase any name on the ballot and insert another (§ 28).

Governor Odell calls attention to the large number of defective ballots that have resulted from various regulations to secure secrecy of the ballot. He points out that the validity of a marked or defective ballot must be passed on by officials who are apt to be biased in their judgment and that in a close election the result may turn on their decision.

Voting Machines.—California adopted a constitutional amendment allowing the use of voting machines ('01, p. 960), and the new Virginia constitution authorizes the legislature to permit their use (§ 37). Governor Murphy, of New Jersey, recommended the use of voting machines as a means of securing greater secrecy of the ballot and the legislature passed an act permitting their use in all state and local elections. The act provides for the appointment by the governor of a state board of three voting machine commissioners and for the adoption and use of voting machines by municipalities on the approval of the state board ('02, ch. 205).

Election Officers.—The Kentucky act of 1898 (ch. 13) centralizing control of elections in a state board of election commissioners, consisting of three persons elected by the legislature, has been declared unconstitutional on the ground that it delegates executive duties to the legislature and judicial duties to the board of election commissioners (Pratt v. Breckenridge, 65 S. W. 136). The state board was authorized to appoint county boards of election commissioners for each county, who in turn were to appoint the election officers. The state and county boards were also boards of canvassers and contest. The Missouri law of 1899 (p. 197) creating for cities of 100,000 a board of three election commissioners appointed by the governor was also declared unconstitutional as to the limitation placed on the selection of one of the three commissioners (State v. Washburn, 67 S. W. 592). The act provided that one commissioner was to be of a different party from the other two and nominated by the central committee of the party.

Corrupt Practices.—The movement for corrupt practices acts which spread rapidly from 1890 to 1896 has since 1899 experienced a decided setback. Beginning with New York in 1890 (ch. 94), seventeen states adopted corrupt practices acts, the last to do so being Nebraska in 1899 (ch. 29). Then came a turn in the tide. Nevada repealed its act in 1899 (ch. 108), Michigan in 1901 (ch. 61), and Ohio in 1902 (p. 77).

The Ohio law known as the Garfield corrupt practice law was adopted in 1896 (p. 123) and except that it contained no definition of legitimate and illegitimate expenditures was as complete in its provisions as that of any other state. A candidate's expenditures were limited to $100 for 5,000 voters or less, but not more than $650 in any case. Candidates before a convention or primary for nomination to public office were required to file statements, as well as candidates for election. At any time during his term any occupant of an office filled by popular election could be proceeded against and his office declared vacant if he was found to have violated the provisions of the corrupt practices act. The law also defined political committees and required every such committee to have a treasurer and provided that the treasurer and every person receiving or disbursing money aggregating more than $20 should keep detailed accounts. The treasurer was also required to file a statement of receipts and expenditures with the county clerk.

That the corrupt practices acts adopted by the states have proved failures will hardly be questioned. Unless some method is found to remedy their defects other states will follow the example of Nevada, Michigan and Ohio in securing their repeal. Under the existing system of party government the political party is a governmental institution of paramount importance and as such should be subject to strict statutory regulation not only as to primaries, but as to conventions, organization and especially the collection and disbursement of party funds. Funds collected by blackmail and disbursed to corrupt the electorate are the stronghold of party irresponsibility and bossism. But the best party organization demands large funds and the rank and file of party members do not feel called upon to contribute a penny toward their party's support; the immense funds secured are obtained chiefly by the assessment of candidates, public officers and employees, corporations and vice. Collected by devious methods they are disbursed in the most secret

and irresponsible manner. Naturally transactions of this kind do not court publicity—that would be suicidal.

Municipal Home Rule.—The proposed home rule amendments in California, Colorado and Mississippi noted in this review last year were all adopted by the people. The California amendment provides that amendments to home rule charters must be submitted to popular vote if petitioned for by 15 per cent of the qualified voters, there being no provision for popular initiative under the former constitutional provision ('01, p. 950). The Colorado amendment empowers cities of over 2,000 to make, revise and amend their charters ('01, ch. 46). The Missouri amendment modifies the former home rule provision by providing that city law-making authorities may order the popular election of thirteen freeholders to prepare a new charter for adoption by a majority vote ('01, p. 263).

An Indiana act of 1901 (ch. 92) creating boards of public safety in cities of 25,000 to 49,000 appointed by the governor and having charge of the police and fire departments has been declared unconstitutional (State v. Fox, 63 N. E. 19). The court holds that localities can not be deprived of their right to appoint fire department officials, such officials being purely local officers, and that although the legislature has the right to regulate the police as a governmental agency the provisions of the act relating to the police department are so connected and dependent upon those relating to the fire department that the act as a whole is void. In holding that, though the legislature may provide for the central appointment of police officers, the localities can not be deprived of their right to appoint fire department officials as such officials are purely local officers while police officers are agents of the state, this case follows that of State v. Denny, 118 Ind. 449, and State v. Moores (Neb.) 76 N. W. 175. The Supreme Court of Iowa has declared void an act authorizing the district court to appoint trustees of water works in cities of the first class ('00, ch. 25). The court holds that such control is invalid as taking from the city (1) the right of local self-government and (2) the management and control of its property (State v. Barker, 89 N. W. 204).

Ohio Municipal Code.—The new code adopts a very simple classification for municipalities; those of 5,000 being cities, those under 5,000, villages. A uniform government is provided for all municipalities in each of these two classes, and many provisions

apply to both cities and villages. The charter creates the following city boards and officers: mayor, council, president of council, board of public service, board of public safety, auditor, treasurer, solicitor and board of health.

The council consists of not less than seven members, partly elected by wards and partly by the electors of the city at large for terms of two years. When the council consists of seven members, four are elected by wards and three at large. Whenever the total number of members is fifteen or more, one-fifth of the number are elected at large. The compensation of members is limited to $150 in cities of 25,000 and $100 additional for each additional 30,000 in population, but not exceeding in any case $1,200 a year. The president of the council is elected by the people for two years. He has no vote except in case of a tie. The mayor may veto any ordinance or any specific item of an appropriation ordinance. His veto can only be overruled by a two-thirds vote.

The mayor is elected by the people for two years. He may be removed by the governor for cause after hearing. The annual city budget is prepared by the mayor from estimates furnished by the various boards and officers. The mayor may not increase the total of any estimate submitted to him and the council may not increase the total of the budget as submitted by the mayor but may reduce or omit any item.

The Board of Public Service has the complete management and supervision of all public works, public buildings and charitable and correctional institutions. It is administered by three or five directors elected by the people for two years. The board may employ superintendents, inspectors, laborers, etc., and fix their compensation. The only control to which the board is subjected is that of impeachment, and the control exercised by the mayor and the council in the granting of appropriations.

A Board of Public Safety is created to have a general supervision and considerable direct control over the police and fire departments. It is administered by two or four directors appointed by the mayor with the consent of two-thirds of the council for terms of four years. Not more than half of the number of directors shall belong to the same political party. If through failure of the mayor and council to agree no appointment is made within thirty days from the date when a vacancy occurs, the governor shall make the appoint-

ment. The Board of Public Service makes all contracts with reference to the management of the police and fire departments and provides for the classification of officers and employees and the examination of applicants for appointment or promotion. All appointments in the classified service including the chief of police and the chief of the fire department are made by the mayor. The mayor may remove any officer or employee for cause subject to appeal within ten days to the Board of Public Safety whose decision is final. The chiefs of the fire and police departments have exclusive control of the stationing and transfer of officers and may suspend any officer or employee subject to the decision of the mayor and a final appeal to the Board of Public Safety. It seems that here the system of checks and balances has reached its highest possible development. No complexity of organization is spared to effect a complete diffusion of responsibility. Even party responsibility, which often supplies a lacking harmony in the governmental organization, is here excluded.

The Board of Health consists of five members appointed by the mayor and confirmed by the council. The treasurer and solicitor are elected for two years and the auditor for three years.

Uniform Accounts.—Ohio has created a bureau of inspection and supervision of public offices in the department of the auditor of state. The state auditor is made *ex-officio* chief inspector and supervisor. He appoints three deputies, not more than two of the same political party. He may appoint as many assistants as are needed as state examiners. It is the duty of the auditor to establish a uniform system of accounting and auditing and to make an annual examination of every public office. The expense of maintaining the bureau is apportioned among the counties according to population, and each taxing body is required to pay for the auditing of its own accounts ('02, p. 511).

The new Virginia constitution provides that "the General Assembly shall provide for the examination of the books, accounts and settlements of county and city officers who are charged with the collection and disbursement of public funds" (§ 115).

Franchises.—The new Virginia constitution makes the consent of municipal authorities necessary for the use of streets or public places by public service corporations (§ 124). Franchises are limited to thirty years and must be sold at public auction. They may

contain provision for public purchase at the expiration of the franchise (§ 125). Louisiana provides that each franchise in cities of 50,000 must be sold or granted separately ('02, ch. 106). South Carolina authorizes cities and towns on two-thirds vote of aldermen or common council confirmed by a majority vote of electors to grant exclusive franchises to furnish lights and water for a period not exceeding thirty years ('02, ch. 560).

ROBERT H. WHITTEN.

New York State Library, Albany.

OUR PRESENT FINANCIAL OUTLOOK

In December, 1890, the Baring's failure announced to the world that the credit institutions of Europe had called a halt. A period of promotion and speculation in new industrials, in railways, in the securities of South America, Australia and South Africa, was suddenly ended. The movement preceding the failure had been one of expansion—a struggle for increasing gains; the movement following was marked by credit retraction and trade depression—by efforts to recoup and prevent further loss. Although for two years after 1890 we had tremendous forces working in our favor (with unprecedented yield of grain and higher prices of food stuffs due to crop failure abroad), the detracting influences of foreign depression and foreign financial reorganization brought home to the United States the fact of over-speculation; in 1893 our credit institutions collapsed and we followed the wake of Europe through a period of depression.

Our experience of 1893, following 1890, was similar to our financial collapse in 1884, following foreign failures in 1881. 1903 brings us again to face the possibility of a similar repetition. About two years ago another period of foreign speculation abroad came to an abrupt end; since that time Germany and England have been passing through financial readjustment and reorganization. Here in the United States, as in the two years following 1890, we have had forces at work to keep the wheels of industry moving at an increasing rate. Trade journals have looked upon this growing activity as evidence of national superiority—an era of unprecedented prosperity based on safe business methods. *Dun's Review* in its leading January issue says "The new year opens with every prospect of exceptional activity in all branches of business." While those engaged in manufacture, in merchandising, and in transportation enterprise see nothing but increasing activity, while they were never more sanguine, the experience of the last four months of 1902 has caused those in financial circles to regard the situation with feelings of serious doubt. Months of strain on our commercial credit institutions, months of adverse gold movements, months of increased speculation have put those in control on their guard. The financial situation has been the general topic of deliberation among bankers

and these deliberations find strong expression in appeals to the national government for measures of relief.

Among those who have sounded notes of warning is the vice-president of the National City Bank of New York. Commenting on the financial outlook Mr. Vanderlip shows that the increase in activity of every kind has been accompanied by a like increase in the "credits of account" (or deposits) sold by banks to their customers; and that along with so-called prosperity have been purchases of commercial paper by the banks by means of these increased book credits or "deposits." The expansion in the credit funds of the national banks alone, since 1896, amounts to $1,600,000,000, while other institutions of deposit have increased their current funds offered to the public for use $2,300,000,000. This gives a total of $3,900,000,000—an increase in credit funds, within six years, amounting to almost double the entire money stock of the country, both in circulation and in the treasury.

But what has been the increase in banking equipment, the strengthening of the machinery of credit issue? What provision has been made by the banks for maintaining these increased burdens on the credit structure? After showing that during the last three years, since 1899, the credit accommodations of national banks have increased $1,300,000,000 Mr. Vanderlip further comments as follows: "With that increase in liabilities of national banks in mind, let us look at the figures representing the *reserve* basis. The total of specie and legal tender held by national banks last month was $508,000,000. The total at the beginning of 1899 was $509,000,000. Here we have had an expansion of $1,300,000,000 in deposits (demand obligations of the banks used in the community for funds), while the basis of gold and legal tenders, upon which that inverted pyramid stands, is actually slightly smaller than it was at the beginning of the period. Now in that same time, the deposits of the other banks—state banks, trust companies, savings banks and private banks—have probably increased not far from $3,000,000,000, and there is little likelihood that *their* gold and legal tender reserve is materially larger than—if it is as large as—at the beginning of 1899. We have had, then, in less than four years, an increase in the bank deposits of the country of over $4,000,000,000 accompanied by no increase in the specie or legal tender holdings of those banks." The data relied on for this conclusion are taken from

the last Report of the Comptroller—an official compilation made from the returns of the banks themselves. The evidence presented in this Report goes farther; it shows that during the period under discussion the capital of these institutions had not materially increased. March 6, 1893, the capital and surplus of national banks amounted to $934,000,000; whereas September 30, 1901, it was in millions exactly the same, though, as a matter of fact, it was a few thousand dollars less. Without therefore increasing the capital employed in the business, the banks have been offering to the public, and actually selling, about twice the amount of demand credit for use of the business community for funds as they had oustanding in 1895.

From this first array of facts Mr. Vanderlip proceeds to a second conclusion:

> *"What has brought about this remarkable development of bank credit?" he asks.* "The answer must at once come to the mind of any observer of finance, that the principal reason for the expansion of deposits and the accompanying expansion of loans (commercial paper held by banks), is to be found in the great movement which has been the significant feature in financial affairs of the last half-dozen years—the movement to *aggregate industrial establishments into single great corporate units and to convert the evidence of ownership into corporate securities which have entered actively into the stream of financial operations.* Vast amounts of new securities have been created in these half-dozen years, based in a large measure upon properties which were before held as fixed investments by individuals, or, if standing in the form of corporate property, the securities of these corporations were more closely held, and, in but small measure, entered into the financial operations of the day. This movement—tending to convert the evidences of ownership of a great amount of fixed property into a form which has been considered a bank collateral, and which has been made the basis of loans and of corresponding increases of deposits—is undoubtedly the most important single cause for the increase of more than $4,000,000,000 in bank deposits and bank loans of the country in the space of three or four years."

The basis for criticism of every "note of caution" addressed to the public is found in the exuberant feeling current, expressed in the oft-repeated phrase "national prosperity." The ancestral lineage of this prosperity is not hard to trace. Attention is called to the fact that the depression from 1893 to 1896 was a period of financial re-organization and of the introduction of economies in our enormous industrial establishment. The water had been gradually squeezed out of previously inflated capitalizations and the nation

during this period had come to rely for its "cash," as well as for its incomes on *profits* from legitimate business. With such an equipment we were able to sell pig-iron at a profit at $10.00 to $12.00 per ton. Steel rails were sold with a liberal return to capital at $17.50. Bar iron entered a profitable market at 95 cents per hundred. Thousands of other commodities were produced at a profit at prices such that they began to find their way into foreign ports and in competition with foreign made goods undersold them. Europe was shocked at our strength developed; our appearance with ship loads of goods that others could not manufacture at competitive rates, made the world realize that in the western continent were resources and an industrial development that in free competition might bid defiance to all Europe. Under such circumstances bills of exchange, representing these goods formed a true basis for commercial bank loans, and bank credits were supported by capital equipment adequate to protect them—an equipment that included a 33 per cent money reserve for the redemption of demand obligations. As our foreign trade increased, instead of allowing this banking equipment to become impaired, we at that time imported gold for new reserves, to support new credits; and new current funds were again at hand for the support of still larger commercial accommodations in the purchase of bills and commercial paper based on actual sales of produce.

What was the result, however, when the commercial bank extended its support to capital construction and became the chief factor in the new "industrial speculation" that grew out of this sudden national awakening? Instead of limiting the commercial banking business to the service of a commercial constituency, instead of devoting the energies and the funds of commercial banks to the accommodation of producers and merchants, they began a system of underwriting new flotations. This was not a new experience, however. This experience is recalled by reference to the "real estate" restriction on national banks. Back of the law forbidding national banks to loan on real estate securities may be seen the long periods of industrial depression and financial reorganization following the panics of 1825, 1837 and 1847. Each period of prosperity immediately preceding these crises had been a period of capitalization of new agricultural resources. A westward migration had appropriated for use large areas (a new empire) of grain lands for which

new transportation development had opened a market to the seaboard. New cotton, tobacco and hemp lands enlarged this area to an extent such that the resources appropriated and undeveloped were larger than the old Atlantic slope to which capital had before confined its investments. The demands of these new areas are summarized in a general clamor for new capital, and the commercial banks attempted to supply this demand. The failure of some eight or nine hundred commercial banking institutions after 1837 was the result of this kind of bank credit employment.

The failures of banks, through three decades of state banking on investment securities, brought to the mind of practical bankers, the character and purpose of the commercial bank. Organized and capitalized for the purpose of rendering service to a business community in furnishing "current funds" or "cash" for current use, the equipment of the commercial bank is necessarily ill adapted to the work of "permanent capitalization." To employ the funds of a commercial bank for long time investment was found unsafe, and legislation was invoked to protect the public against loss. To apply a short time credit institution to such work is like using a sewing machine for riveting boiler plates, or attempting to use a traveling crane for sugar tongs; it is the application of equipment to work for which it is not adapted, with the result that either the equipment itself is impaired or the service to which it is applied becomes a dangerous one. What is the normal course of events in the "permanent capitalization" of enterprise? No conclusion could be more sound than that suggested in Mr. Vanderlip's address. *Capital funds* are obtained for the purpose of procuring the permanent equipment of an enterprise. One wishing *capital funds* must ordinarily apply to someone having funds for long time investment. Capitalization depends on the long time investment powers of a community. Capitalization can safely increase only so fast as investment capital increases. Investment capital is increased by the net incomes of capitalists in the form of returns on prior investments or by profits. The demand credits (or deposits) of banks are neither of these, and therefore are not proper funds for use in purchasing permanent equipment.

In the present period of inflation it was not found necessary to await the tardy development of capital funds; promoters did not find it necessary to appeal to such an investing constituency. They

found that by incorporating industrial enterprises, and consolidating corporate control into still larger corporate syndicates, these new securities or "industrials" so created could be listed on the market and there be made the subject of general quotation. This step taken, the speculation induced by the sudden realization of our greatness as a world power was converted into an agency for marketing the new securities to banks. An active buying having been "stimulated," it was not necessary to wait for the investing public to absorb the flotation; the margin speculator was utilized to obtain capital funds from our commercial credit institutions, using the securities so created as "collaterals."

One syndicated issue having been introduced into the speculative pool and floated on margins, the promoters having realized, a new consolidation was undertaken and funds were procured from the commercial banks in like manner. The infection spread from industrials to railroads, to mines, to every form of undertaking. It was on this character of banking resources—loans, secured by newly-created collaterals—that a large part of the increase in our credit funds (the deposits of commercial banks) was based. It was the danger involved in such a system of financiering that Mr. James J. Hill might have had in mind in his speech before the Manufacturers' Association at Chicago when he called attention to the current method of creating corporations, "not for the purpose of manufacturing any particular commodity . . but for the purpose of selling printed sheaves of securities which represent nothing more than the good will and prospective profits of promoters."

That enormous increase in industrial activity has resulted, cannot be denied. The cause of this increased activity, however, is quite as apparent. The immense amount of new funds made available for "capitalization," through the flotation of securities, increased the demands for every kind of materials—of construction, of maintenance and of subsistence. The manufacturers of pig-iron could not fill domestic orders and prices advanced from "$12 per ton in October, 1898, to $25 at the beginning of 1900. Steel rails doubled in the same period, the price going from $17.50 to $35. Bar iron scored even a greater percentage of gain within a shorter time, the price advancing from 95 cents a hundred in July, 1897, to $2.60 in October, 1899. The quotations of clear pine boards advanced from $45 to $73 a thousand; for brick from $4.50 to $6;

rope from 5¼ cents to 13 cents; and salt from 21 cents to $1." Prices were advanced all along the line—in cases doubled and quadrupled. An increase of from four to six billions in the *credit funds*—billions, not millions—made available to the country as a means of purchasing new materials and new services by a simple process of "flotation" has put the conduct of enterprise into the hands of promoters who have little thought for the future. Of what interest is it to the promoter that he is offering prices for materials twice or three times their cost four or five years ago, when the funds with which to pay for them are so easily obtained? Why should he be concerned with *cost* when his profits are to come from promotion and equipment instead of coming from permanent income on investment?

These new trade demands, based on credit funds obtained from speculative flotations, have increased the profits of enterprise enormously and the new margins of profit have carried speculation to a still higher mark; again new market quotations are made a basis for estimates of valuation of securities offered for collaterals, increasing the bank credit made available for higher spendthrift prices; these again return larger immediate earnings to plants set in motion at a higher speed with larger equipment for supplying demands. Long since has the foreign market been abandoned in many lines, while foreign manufacturers are shipping goods to the United States, finding a wide margin of profit in prices here after paying a tariff of from 40 to 60 per cent. No other explanation is needed for the reverse of the foreign trade balance. Instead of having a trade balance to be settled by Europe, this has been so far reduced that we are now borrowing largely from them in the form of "finance bills," a newly created form of floating debt incurred by our bankers as a means of meeting the demands of a commercial constituency. Instead of importing gold, since 1898, "there has, in spite of the theoretical trade balance, been no significant shipment of gold in our direction." More than this, our financial institutions have not the strength to keep gold on this side. Since that time we have lost about $100,000,000. Conservative bankers pertinently ask "What of the future?" "If a hundred million dollar importation of gold can serve as a basis for an expansion of so many millions of dollars of deposits and loans, what will an exportation of $100,000,000 mean?" It might be added that it

would, in all probability, have resulted in a complete overthrow of the so-called prosperity had not the commercial banking institutions been able to bring to their relief the United States Treasury with deposits of about $150,000,000.

But even with the support given by the treasury, the credit problem was not yet solved. The question of the ability of the commercial banks of the country to serve their commercial constituency with current credit funds—of adjusting the speculative situation and forcing liquidation of speculative loans to such an extent as not to compel them to restrict accommodations to commercial business—has kept the New York banker in a quandary by day and has hung over him like a spectre by night for the last three months. With all effort bent toward the common cause, with united action on the part of the commercial banking fraternity, acting on the best counsel, and combining their united resources with those furnished to the banks by the Treasury, they were unable to maintain their banking equipment intact. To a large extent the "capitalization" of these new promotions has fallen on them, and weakened their equipment for the support of current credit funds. "In 1899, the national banks held 33 per cent of reserve . . . . the last report shows less than 21 per cent of reserve for all the national banks of the country. Not one of the three central reserve cities was up to the legal limit. Twenty-two of the thirty-three reserve cities were below the legal limit."[1]

During the first weeks in January there was a relaxation of nervous tension. Those whose mental vision has not extended beyond a narrow constituency—those who have shown themselves incapable of grasping the broad situation—are again exchanging congratulatory messages. Others, however, with a broader view and bearing are less sanguine. Even at a time when bankers are breathing freely, and when new plans are again being made for taking on new collateral loans by way of aid to new syndicated issues, a leading conservative financial daily asks New York to stop and consider.

"It is a matter of common knowledge," says the *Wall Street Journal*,[2] "that this country is indebted abroad on what *might* be current account to a considerable extent. This indebtedness consists in the main of borrowing on bankers'

[1] Mr. Vanderlip's speech before the North Eastern Bankers' Association.
[2] Editorial on "The Financial Outlook," January 17, 1902.

bills of exchange, otherwise known as finance bills, and direct borrowings on collateral from the London banks. Not very much has been heard of the latter borrowings, but trustworthy authority states that they are quite considerable. They represent speculative holdings of stocks carried in London, where it has been cheaper for some months to carry such stocks than it was here. We are now entering upon the first period of what may be called relatively easy money in some months, and it is a matter of decided interest to know to what extent this ease will be availed of to reduce foreign indebtedness."

"The problem, of course, consists in the main of providing exchange to the amount desired. This can be done in three ways. It can be done (1) by the shipment of produce, (2) by the shipment of securities, and (3) by the shipment of gold . . . It is a gratifying thing to have exports of corn and other merchandise increasing at this time. It may well be doubted, however, that the increase is anything like large enough to take care of the present position without assistance from one or other of the remaining two sources of exchange. Considering the question of export of securities, it is doubtful if much can be looked for in this direction. Foreign investors naturally regard prices of our stocks as pretty high, and besides, some important new loans will shortly be offered in London and elsewhere to an amount quite sufficient to absorb the spare cash of the investor. Borrowings in connection with the Transvaal alone will, it is believed, amount to $350,000,000 in London this spring. So far as can be seen there is no reasonable prospect of much export of securities in the next few months."

"The export of gold to a moderate extent would seem to be the natural expedient in the circumstances. This is the season of the year when gold usually goes out, and, with money easy here, there is nothing to prevent it. Failing, strong efforts on the part of financial interests to extend their borrowings for another period, it is reasonable to assume that a round amount of gold will be exported between now and the end of June. Some exchange authorities think that from $30,000,000 to $40,000,000 will go within that time.

"Now, assuming that such is the case, the question of the money supply for next summer and fall becomes of great interest. . . . The sum and substance of the matter is that unless there is currency legislation of some kind, leading to inflation of the circulating medium, the chances are that the coming summer and fall will witness a tighter money market than was seen last summer and fall."

In another quarter the question is raised as to whether the banks will avail themselves of the present improved condition of the market to reduce the amount borrowed from the government. This measure seems necessary as a means of strengthening the possibility of again obtaining aid when support may be needed. To encourage such return on the part of the banks the secretary has issued a notice that all "securities," other than United States bonds, which have been placed as collateral to government deposits must be withdrawn

and government bonds substituted before August 1. This circular has caused consternation. Some bankers have expressed the opinion that such measure would be impossible without causing serious disturbances, either from the restriction of commercial loans or from the restriction of the bank note circulation.

With such a situation before us may not the Ex-Assistant Treasurer's negative but suggestive conclusion still be held before the financial world with profit: "The evidences then of advancing prices, that check exportation and increase importation, the absorption of our favorable trade balance in foreign investment and in the purchase of securities, the uncertain totals of our floating indebtedness represented by short time finance bills, all taken in connection with the fact that any reduction of the specie reserve held by banks must be followed by liquidation which will again establish the proper relation between reserve and deposit liability, would seem at least to point to the conclusion that this is not a time favorable to the expansion of bank credits."

The most significant fact concerning this warning is that, at present, it is not heeded. With easier monetary conditions the banks are not utilizing the opportunity for renovation of accounts—for unloading the form of investment that constitutes an element of danger, they are not returning to the strict lines of a commercial banking business—one in which their funds and capital equipment is shaped for commercial accommodation; on the other hand they are again increasing accommodations to speculators and becoming involved in the same sort of indirect "capital loans" as before. The question that is now being asked by some conservative thinkers seems pertinent, therefore, whether or not as a practical problem, considering the enormous holdings of stocks and collaterals, the commercial banks *will* get over to a conservative banking business—a business limited to the service of a constituency having need for "current funds" for industrial and commercial purposes,—and whether they *can do so* without overthrowing the whole financial system built up on the folly of allowing their "current credits" to be used for capital equipment.

This problem must rest for its solution in two financial factors: (1) the demands that may be made for payment of the floating debt of the banks, (2) the investment capital that will come to their relief by absorbing the securities created. If in their return to con-

servatism the current demands from floating debt do not exceed the new supply of investment capital that comes into the market for the securities held, the dangers arising from speculative employment of bank capital may be passed without seriously hampering the commercial demand for current funds. In the effort to find such an investment constituency the situation becomes still further involved. Recognizing the advantage of having within reach a clientele strong enough to absorb the flotations that incumber the transactions of commercial institutions, a plan of institutional support is at present being incorporated into the general financial web—a movement to consolidate investment companies in such a manner as to bring them under the sway of promoting interests. This movement finds its best illustration in the consolidation of old-line insurance companies, savings banks and trust companies, and through alliance with previously consolidated commercial banks, by the intermediary of a holding company, to reduce them to common management and control.

While by such a method an investment constituency for the time being is secured for such flotations as are now taken and held as collaterals by the commercial banking institutions, the movement is fraught with dangers—dangers even greater than the former expedients employed and to which reference has already been made. By bringing insurance, saving banks and trust companies under a common management with the commercial banks, all of the lines of safety that have been established through the combined experience of a century of conservative legislation and financial judgment are broken down. The character of service rendered by a life insurance company is one which demands the permanent protection of reserve funds; the trust relations may extend through several generations; protection to these can be secured only through a guarantee of conservative investment. The savings bank has been separated from the commercial bank and other financial institutions for the very purpose of giving to those in control a higher form of conservatism. The character of business that may be handled by a trust company, also, is essentially different from that of a commercial bank. While these various forms of institutions must necessarily supplement each other and co-operate in services rendered to a community, the fiction of a holding company reduces all to a common interest and destroys the element of safety which comes from the

choosing of separate directories and managers for the protection of the several interests involved. The movement simply adds one more element of danger to an already precarious commercial situation.

To summarize current opinion with reference to the elements in "the present financial situation" which should give the American people concern:

After the tide of foreign trade had turned against us and the commercial banks became involved in the stock market to such an extent that they could not purchase gold reserves with which to meet demands for commercial accommodation without forcing the banks to retire from the business of speculative holdings—incidentally perhaps forcing ruinous speculative liquidation—these institutions resorted to the settlement of foreign trade demands as well as arbitrage balances by borrowing on foreign finance bills. The dangers incident to this *first* expedient are found in the fact that it leaves the banks exposed to attack at their weakest point; through demands for gold on these bills, the very foundation of our credit system may suddenly be withdrawn and the superstructure left to fall by its own weight. The possibility of making these demands, also, is left entirely in the hands of foreigners who have no particular interest in maintaining our credit institutions.

Again: the situation growing increasingly tense, the gold balance still going against us, the commercial banks turned to the Treasury. Their need was a need for gold and by obtaining deposits from the government this gold might be transferred from the public vaults to those of private institutions. This process has continued until now banks owe the government about $150,000,000. So long as the Treasury does not need this gold balance to support its outstanding credit currency or to meet current demands for the payment of contracts and running expenses, so long as the importations of foreign goods increase (attracted to our shores by high prices) and the customs revenues are enlarged to abnormal proportions, little harm may come from this form of borrowing. But this is only saying that so long as all goes well we shall have no trouble. When, however, the situation really calls for drastic remedies, when the banks are threatened, and demands are forced home on the purchasers of commercial products, then the decline in government revenues must force its claims upon the list of creditor demands

against the banks, or cause the Treasury to buy gold to protect them. This has in it the possibility of undermining the credit of the banks, or of shaking confidence in the "credit money" issues of the treasury —a repetition of 1893.

The third practice that may be considered cause for deliberation is the new consolidation of financial companies that is being promoted. This may have a reactionary effect even more serious than the other two as it strikes at the very source of the investment powers of the nation. Our investment powers are largely the aggregate of savings of wage earners and persons of small income. These are brought together for capital employment in the savings institutions, in trust companies and in the insurance companies. To reduce or threaten the security of these companies is to cut off the possibility of absorbing new investments offered—to reduce the very powers on which both commercial bank and promoter to-day depend for the final purchase of securities issued. All of the devices referred to are directed toward maintaining a dangerous practice,— one designed for the purpose of allowing the managers of investment institutions to share in the reward of speculation.

The most remarkable feature about current discussion of dangers involved and remedies proposed is this: That while devices are suggested for still further enlarging credit issues of banks, by a system of "assets currency," and by propositions to secure the "deposits of government revenues" as a means of providing a larger reserve for "individual deposits," not a suggestion is made that the banks themselves should strengthen their capital equipment. During the recent autumn and winter strain syndicates were organized to float new combinations involving hundreds of millions of new capital; strong capital support was collected for temporary aid to banks—to strengthen money reserves till the market should become settled; but not an effort is recorded to increase the permanent capital support for credit funds necessary to increased commercial demands. Each proposition made for stronger money reserves for the redemption of credit issues has come from those outside of banking circles. On the other hand, leading bankers are proposing a remedy whereby the capital of commercial banks may be still further reduced—the adoption of a system of "branch banking."

FREDERICK A. CLEVELAND.

University of Pennsylvania.

PROCEEDINGS OF THE ACADEMY

THE SEVENTY-SEVENTH SCIENTIFIC SESSION of the Academy was held in the New Century Drawing Room, March 1, 1902. The subject considered at the meeting was "The Extension of American Influence in the West Indies." The principal paper of the evening was presented by Professor L. S. Rowe, the president of the Academy. His address has been printed in full in the *North American Review* for August, 1902. The second speaker of the evening was Captain W. V. Judson, of the Corps of Engineers, United States Army, who presented a paper on "The Strategic Value of Her West Indian Possessions to the United States." The address was printed in full in THE ANNALS for May, 1902.

THE SEVENTY-EIGHTH, SEVENTY-NINTH, EIGHTIETH AND EIGHTY-FIRST SCIENTIFIC SESSIONS were held during the sixth annual meeting on the fourth and fifth of April, 1902. The proceedings of the annual meeting, together with the papers presented, were printed in THE ANNALS for July, 1902.

THE EIGHTY-SECOND SCIENTIFIC SESSION was held at the New Century Drawing Room, November 15, 1902. The subject considered was "The Treatment of the Criminal." The speakers of the evening were Charlton T. Lewis, Esq., Mr. Samuel J. Barrows and Hon. Samuel McCune Lindsay, ex-president of the Academy. Mr. Lewis was the main speaker of the evening, and dealt at length on the principles we should follow in dealing with the criminal classes. Professor Lindsay spoke concerning the conditions prevailing in Porto Rico, and Mr. Barrows discussed the paper presented by Mr. Lewis.

THE EIGHTY-THIRD SCIENTIFIC SESSION was held December 20, 1902, at the New Century Drawing Room. The speaker of the evening was Major-General Leonard Wood, who spoke on "The Military Government of Cuba." His paper is published in full in the current issue of THE ANNALS.

THE EIGHTY-FOURTH SCIENTIFIC SESSION was held at the New Century Drawing Room, January 12, 1903. The session was a joint meeting of the Academy with the members of the Southern Education Board and General Education Board. The members of the two boards were welcomed on behalf of the Academy by its president, Professor L. S. Rowe, and on behalf of the University of Pennsylvania by its Provost, Dr. Charles C. Harrison. Dr. Harrison presented Mr. Robert C. Ogden, who acted as presiding officer, and made a brief address regarding the activities of the Southern and General Education Boards. The principal address of the evening was made by the president of Tulane University, Edwin A. Alderman, who spoke on "Sectionalism and Nationalism in Education." President Alderman was followed by Dr. Charles G. McIver, of the North Carolina State Normal and Industrial College, who spoke briefly on the educational and industrial development of the South during the last generation.

PERSONAL NOTES

Princeton University.—Dr. Woodrow Wilson,[1] now President of Princeton University, was formerly Professor of Public Law. In October, 1896, he delivered an oration at the sesqui-centennial celebration of the foundation of the College of New Jersey on "Princeton in the Nation's Service."

His published writings since 1895 are:

"Mere Literature and Other Essays." Boston, 1896.

"Life of George Washington." New York, 1897.

"Mr. Cleveland as President." Atlantic Monthly, March, 1897.

"The Making of a Nation." *Ibid.*, July, 1897.

"On Being Human." *Ibid.*, September, 1897.

"A Lawyer with a Style." *Ibid.*, September, 1898.

"A Wit and a Seer." *Ibid.*, October, 1898.

"Our Last Frontier." Berea Quarterly, May, 1899.

"Spurious Versus Real Patriotism." New England Association of Colleges and Preparatory Schools, 1899.

"Colonies and Nation." Harper's Magazine, January-December, 1901.

"Reconstruction of the Southern States." Atlantic Monthly, January, 1901.

"When a Man Comes to Himself." Century Magazine, March, 1901.

"Democracy and Efficiency." Atlantic Monthly, March, 1901.

"History of the American People." Five volumes, New York, November, 1902.

"American Ideals." Atlantic Monthly, December, 1902.

Williams College.—Professor Henry Loomis Nelson, who now holds the chair of Political Science in Williams College, was born in New York City, January 5, 1846, and received his early education in a private school at Bridgeport, Conn., and at Mount Washington Collegiate Institute, New York. He then entered Williams College and was graduated in 1867 with the degree of A. B. Later he received from the same college the degrees of A. M. in 1870 and L. H. D. in 1900. During the year 1869 he was a student at the Columbia University Law School, and practiced law in New York, 1869-1874. From 1883 to 1885 he was clerk to the speaker of the House of Representatives. From 1879 to 1885 he was Washington correspondent of the *Boston Post* and in 1885 became its editor. He was also editor of the *New York Star*, 1886, and *Harper's Weekly*, 1894-1899. He was President of the village of New Rochelle, 1890-1892.

Professor Nelson has published:

"Our Unjust Tariff Law." 1885.

"The Money We Need." 1896.

[1] See ANNALS, vol. vi, p. 296.

GERMANY.

University of Bonn.—Dr. Hermann Seuffert, Professor of Law in the University of Bonn, died November 23, 1902. Dr. Seuffert was born at Ansbach, August, 1836. He prepared at the Maximilian Gymnasium at Munich for the university, then studied at the Universities of Munich and Heidelberg; returned to the University of Munich, from which he received his doctor's degree in 1861 and permission to hold lectures. In 1868 Dr. Seuffert was made Assistant Professor, and in 1872 was called to Giessen as a full Professor. In 1879 he went to Breslau and in 1890 became Professor of Law at Bonn, which position he continued to hold until his death. Dr. Seuffert attained special distinction for his knowledge of criminal law. For years he endeavored to bring about the introduction of a new penal code. His efforts were somewhat requited just before his death by his appointment as a member of the committee to prepare a new penal code. The American Academy of Political and Social Science deeply regrets the loss of so eminent a member. Some of his published works are:

"Strafgesetzgebung im Deutschen Reiche." Berlin, 1893.

"Monography on Anarchismus und Strafrecht." Berlin, 1899.

"Ein Neues Strafgesetzbuch für Deutschland." Munich, 1902.

ENGLAND.

University of Oxford.—Sir Frederick Pollock, who has held the chair of Corpus Christi Professor of Jurisprudence at Oxford since 1883, has declined a fifth election to that office. Professor Pollock was born in London, December 10, 1845. He prepared at Eton College, 1858-1863, then entered Trinity College, Cambridge, 1863, receiving the degree of B. A. in 1867 and M. A. in 1870. From 1868 to 1872 he was Fellow at this institution. Professor Pollock received the degree of D. C. L. in 1901 from Oxford and had conferred upon him the honorary degree of LL. D. from Edinburgh in 1880, Dublin, 1892, and Harvard, 1895. In 1871 he was admitted to the bar, Lincoln's Inn. From 1882-1883 he was Professor of Jurisprudence at the University College, London; Corpus Christi Professor of Jurisprudence, Oxford, 1883-1903; Professor of Common Law, Inns of Court, 1884-1890; member of the Royal Commission on Labor, 1891-1894, and editor of the *Law Quarterly Review*, 1885; Law Reports, 1895.

Dr. Pollock is a corresponding member of the Institute of France, honorary member Judicial Society of Berlin; member of Council of Selden Society, London; Fellow of Society of Antiquaries, London; member of Royal Institution, London; Fellow of Royal British Academy of Sciences, and member of the American Academy of Political and Social Science.

His publications are:

"Principles of Contract," 1876. Sixth edition, 1895.

"Digest of the Law of Partnership," 1877. Sixth edition, 1896.

"Leading Cases done into English," 1877. Reissued with new matter as *"Leading Cases done into English and other Diversion,"* 1892.

"Spinoza, Life and Philosophy," 1880.

"The Land Laws," 1882. Third edition, 1895.

"The Law of Torts," 1887. Fifth edition, 1897.

"Possession in the Common Law." With Mr. Justice Wright, 1888.

"Introduction to the History of the Science of Politics," 1890. Second edition, 1895.

"Chapter on Early History of Mountaineering." Badminton volume, 1892.

"The Law of Fraud, etc., in British India." 1894.

"History of English Law." With Professor F. W. Maitland, 1895.

"A First Book of Jurisprudence." 1896.

BOOK DEPARTMENT

NOTES.

After a brief sketch of Grotius, Hobbes, Cudworth and More, Dr. Albee, in his "History of English Utilitarianism,"[1] traces the development of the utilitarian movement from its beginnings in Cumberland, through the writings of Shaftesbury, Hutcheson, Berkeley, Gay, Brown, Hume, Hartley and Tucker, to its final issue in those of Paley, Bentham, J. S. Mill, Spencer and Sidgwick. The need of such a book has long been felt. Sidgwick's "History of Ethical Theories" is too brief, Jodl's "Geschichte der Ethik" handles the English school in very unsatisfactory fashion, and none of the other writers who have dealt with the period have even professed to give an adequate account of ethical theory in England. Dr. Albee restricts himself to the consideration of one school, but his account of that school is clear, trustworthy, impartial and fairly adequate. It would have been better still if more attention had been paid to biography and bibliography, and if the "we" and "us" of the lecture room had given place to plain narrative. But this may be hypercritical. It is a good book, and should find a wide circle of readers.[2]

"A Short History of the State of New York," under the joint authorship of Dr. John J. Anderson, author of a series of school histories and historical readers, and Professor Alexander C. Flick, of Syracuse University, published by Maynard, Merrill & Co.,[3] and "The Government of Maine," by William MacDonald, Professor of History in Brown University, published in the series of Handbooks of American Government, by the Macmillan Company,[4] are two important additions to the literature in history and government for secondary school use.

The first volume of the Dictionary of Philosophy and Psychology was reviewed in the Annals for January, 1902. Volume II[5] contains the text from L to Z and five indices: of Greek, Latin, German, French and Italian terms. The third volume will contain the bibliography. Among the more noteworthy contributions to this volume are Professor E. T. Shanahan's articles on "Patristic Philosophy," "Scholasticism," "St. Thomas and Roman Catholic Theology;" those of Professor John Dewey on "Philosophy," "Nature," "Substance;" those of Dr. C. S. Pierce and Mrs. C. Ladd Franklin on various logical terms and that of the editor on "Nature vs. Origin."

[1] By Ernest Albee, Ph. D. Pp. xvi, 427. Price, $2.75. The Macmillan Company. 1902.

[2] Contributed by Wm. Romaine Newbold, University of Pennsylvania.

[3] Pp. viii, 407. Price, $1.00.

[4] Pp. ix, 263. Price, 75 cents.

[5] Edited by J. Mark Baldwin. Vol. II, pp. xvi, 892. Price, $5.00. Macmillan Co. 1902

A NEW EDITION OF Major John Richardson's "War of 1812,"[6] first published in 1842, has recently been issued under the editorship of Alexander Clark Casselman. This account of the Canadian campaign of the war will always deserve attention as that of a participant on the British side and an eye-witness of many of the scenes described. Although the work is not regarded by military critics as entirely accurate either in matters of detail or judgments reached, it possesses undoubted value especially due to its local coloring and vivid narration. The editor of the present edition has greatly improved the work; although leaving the text untouched, save to divide the same into chapters and to correct official despatches imperfectly given, he has added copious notes, and in an introduction of some seventy pages he has presented an adequate biography of Major Richardson and a bibliography of his writings. The volume is illustrated with numerous portraits, maps and plans of battles, and supplied with a table of contents and index, which were lacking in the original edition.[7]

"FUNDS AND THEIR USES,"[8] by Dr. Frederick A. Cleveland, is the first volume in the Business Series published by the Appleton company. The work is divided into three parts, (1) what are funds? (2) how funds are obtained, and (3) the agencies employed in funding operations. The author has explained all the more important features of the subject in a non-technical way for the benefit of the layman and the beginner in finance. In part one the various forms of money and credit funds are discussed; in the second part those who acquire funds are divided into two classes, the dependent, who rely upon gifts or inheritance, and the independent, who secure funds through exchange of value. In part three there is an interesting explanation of the operation of the United States Treasury, the building and loan association, the savings bank, the general commercial bank, the trust company, the brokerage firm, the brokers' exchange or board and the insurance company. There is a great abundance of illustrations including *facsimiles* of checks, drafts, stock and bond certificates, notes and commercial paper of all kinds. The author advocates no theories and proposes no remedies, but aims simply to explain our system of private finance as it is.[9]

DEMAND FOR UNIFORMITY in laws governing commerce and business interests having an interstate bearing expressed itself forty years ago in the National Bank Act. For years this stood as an isolated piece of legislation regulating private business. The Interstate Commerce Act was another step in the same direction. As business interests broaden these demands become more numerous. Not only do we have the national legislature appealed to but, by joint conventions and popular representation, the movement has taken its form of co-operation between states. One of the most striking instances of such

[6] Richardson's War of 1812, with Notes and a Life of the Author. By Alexander Clark Casselman. Pp. lxxii, 320. Price, $3.00. Toronto: Historical Publishing Co. 1902.

[7] Contributed by Herman V. Ames, University of Pennsylvania.

[8] D. Appleton & Co., New York, 1902.

[9] Contributed by James T. Young.

co-operation is found in the action of states passing a uniform law of negotiable instruments. As a result of a representative conference, held in 1895 at Detroit, a committee was appointed to formulate the law governing commercial paper into a uniform code. The draft of the committee having been submitted to the best legal talent and revised to meet broad requirements, the final report was presented to the several legislatures, and some sixteen states have adopted the common code. Mr. John J. Crawford, to whom was assigned the work of making the first draft, is the author of an annotated edition. The code is published separately for each state with such slight changes as have been made in the several jurisdictions. "The Negotiable Instruments Law of Pennsylvania"[10] is one of the most salutary contributions made to the legal literature of this state. It sets at rest conflicting common law principles and disputed judicial precedents; it places in the hands of the public as well as before the courts a body of rules for the government of transactions that before were subject to question even among those who had made a life study of business law. It also brings the law of Pennsylvania into harmony with that of other states adopting the code.

Mr. Calvin Elliott, in "Usury, a Scriptural, Ethical and Economic View," has revived an antiquated religious and philosophical discussion that has little of interest to the man in touch with our modern institutional life. His book is a general and absolute condemnation of "interest" as well as of "property" in its modern sense. The sort of fallacies found in his method of argument is suggested by a sweeping statement made in his preface, that "So far as I know or can learn from the great librarians I have consulted this is the first attempt ever made to fully present the anti-usury argument." This statement in itself suggests a degree of ignorance that would lose for the author the confidence of one versed in religious, moral, legal or economic literature. His premises are conclusions drawn from facts that have absolutely no existence outside of family or primitive tribal relations; his whole argument is foreign to modern experience.[11]

For lack of non-technical presentation of the engineering and medical problems involved in public health work, it has been difficult for students of civics to participate intelligently in the discussions with reference to health measures such as asylums, hospitals, methods of disinfection, plans for disposing of garbage and refuse, sewering, etc. Occasionally an expert has addressed himself to the wider public audience. "Economic Disposal of Town's Refuse"[12] is intended for this wider audience. The author has rendered a great service, not only because he has recognized that the question is one of economics as well as sanitation (and that all sanitary questions are in the last resort economic), but because he has set forth concretely the

[10] By John J. Crawford. Pp. iv, 188. New York: Baker, Voorhis & Co., 1902.

[11] Pp. 300. Anti-Usury League. Millersburg, Ohio, 1902.

[12] By W. Francis Goodrich. A. I. Mech. E. Pp. xvi–340. Price $3.50. New York: John Wiley & Sons

methods in vogue throughout the entire English-speaking world. If his information with regard to practices in American cities is at times inaccurate or incomplete, we must at least admit that it is the most complete compilation of information which American aldermen, mayors and engineers can place their hands on. There are seventy-five illustrations which help to explain to the layman the economics of cremation and reduction.

Problems of disinfection have been treated in a similar way in "Disinfection and Disinfectants; A Practical Guide for Sanitarians, Health and Quarantine Officers," by Dr. Rosenau.[13] This book is addressed rather to officers than to the general public, but at the same time the treatment is such that those officials who let contracts for disinfectants can easily understand the principles involved and the best methods of applying these principles. There are on the market various commercial disinfectants, so called, whose principal service is to deceive the public by appearing to protect health, when as a matter of fact, they merely produce odors or remove the superficial evidences of decomposition. Contracts are frequently made with manufacturers or exhibitors of commercial disinfectants which involve enormous expense, while the disinfectants, themselves, serve chiefly to justify a relaxation in the matter of general cleanliness. The extortionate rates paid in this way may have had some excuse when laymen could not turn to non-technical explanations of the principles of disinfection. There can be no such excuses now that this explicit and readable text is on the market.[14]

THE GREEK CHURCH forms the subject of a handy students' volume by the Rev. A. H. Hore.[15] The treatment, after a well-written introduction on the characteristics of the Greek Church, falls into two parts; the first, dealing with the patriarchates of Constantinople, Alexandria, Antioch and Jerusalem; the second, with the Greco-Russian Church.

In Part I, the Council of Nicæa, Arianism, the Dyophysite and Monophysite Controversies, the Great Schism or division into the Roman and Greek branches of the Church, the Crusades, the Fall of Constantinople and the Greek Church after the overthrow of Constantinople, are treated. Part II deals with the Greco-Russian Church, and ends with a concluding chapter on the prospects of a reunion of Christendom, the content of which reveals the churchman rather than the historian. Indeed, this side of the author appears very strongly throughout the volume; his sympathy for ecclesiastical work is everywhere manifest. Why a history of the Greek Church should be made the occasion for harping on the joys of a union of the Greek and Anglican Church is hard to demonstrate to the historian. The critic of the *Athenæum* who found "not a word but dispraise" of Mr. Hore's "Eighteen Centuries of the Orthodox Greek Church" is likely to find in this volume much that displeased him in the former work.[16]

[13] Pp. 353. Price, $2.00. Philadelphia: P. Blakiston's Son & Co., 1902.

[14] Contributed by William H. Allen, Ph.D., Jersey City.

[15] "Students' History of the Greek Church" By Rev. A. H. Hore, M. A. Pp. xxxi, 531 Price, $2.25. James Parker & Co., London, 1902.

[16] Contributed by W. E. Lingelbach.

HISTORIC HIGHWAYS OF AMERICA is the name of a prospective series of fifteen volumes by Archer Butler Hulbert, the first volume[17] of which deals with mound-building Indians and great game animals. This first volume is the beginning of a story of road-making; its subject is the prehistoric paths later made available to the early settlers. Having traced out the paths of the mound-builders and wild animals, the closing chapters discuss the importance of the buffalo "traces" to early prospectors and settlers. These animal roads in the forests were in many places found to be hard-beaten highways, worn down several feet through soil and loam and in places wide enough to admit of two wagons traveling abreast through them. He shows that the leading trans-continental highways of the bison were the leading routes of migration for the white man; first used as wagon roads, they were later followed by main lines of railway construction. To use the "lingo" of a Kentucky biographer, "the buffeler, the injun and the injuneer," these have been the great road-makers of America.

A second volume[18] bears the title "Indian Thoroughfares." In this the paths of the Indian are classified into those for "Hunting, War, Portage, River and Trade." Under these several classifications are given the leading characteristics of each. Taking up the more important roads *seriatim*, he describes the routes and the uses made of the Old Connecticut Path, the Iroquois Trail, and the Kittanning Path, each of which was subsequently utilized by the whites for leading routes to the West; Nemacolin's Path and the Virginia Warriors' Path, giving outlets from the Southern seaboard states into the Mississippi Valley; the Lake Shore Trail, the Great Trail, the Scioto Beaver Trail, the Scioto Monongahela Trail, and several other Indian paths of the middle West, closing the volume with an account of the evolution of primitive paths in the service of the white man.

In Volume III[19] "Washington's Road" is made the centre for a study of the beginning of the French and Indian War. Washington's winter journey from "Will's Creek" (Cumberland), Maryland, via the present site of Pittsburg to Presque Isle, Lake Erie, carries with it a description of the route, the transportation obstacles to be overcome, the first military movements of Governor Dinwiddie against the French, and prepares the way for Volume IV.

In all these volumes the author takes a large part of his materials from the biographies and accounts of early travelers. While perhaps he has contributed little that is new to the student of history, by localizing his data and giving to it concrete interest, he has put it in a form to make it available to the popular reader.

PROFESSOR LAUGHLIN of the University of Chicago publishes his theory of credit[20] in a monograph issued in the University's list of "Decennial Publications." He begins with an acute analysis of the nature of credit, dis-

[17] Paths of the Mound-Building Indians and Great Game Animals. By Archer Butler Hulbert. Volume I. Pp. 140. Price, $2.00. Cleveland: Arthur H. Clark Co., 1902.

[18] "Indian Thoroughfares." Volume II. Pp. 152. Price, $2.00.

[19] "Washington's Road." Volume III. Page 215. Price, $2.50.

[20] "Credit." By J. Lawrence Laughlin. Pp. 28.

cussing the views of leading writers in English, German and French, and then considers from every possible theoretical point of view the relation of credit to prices. In his opinion the time element is the most important characteristic of credit, which he defines as "a transfer of commodities involving the return of an equivalent at a future time." Money cuts little figure in a credit transaction, being no more than "the wrapper" in which a man's goods come to him. Inasmuch as credit is a mere ticket in the transfer of goods for goods, it can have no effect on the value of money and so does not alter the general level of prices. According to one theory proposed, an increase in the use of credit means an increase in the community's purchasing power, but this increase is accompanied by a corresponding increase in the supply of goods offered; therefore, values and prices cannot be affected. By another theory he arrives at the conclusion that credit tends to raise prices. In still another relation the conclusion is reached that credit tends to lower prices. Taken altogether the essay can scarcely be said to settle the theory of credit nor to explain the phenomena of business based on credit uses. Professor Laughlin's method is one of reaching an *a priori* conclusion, then supporting this conclusion by well selected illustrations. He attempts to distinguish between "normal" and "abnormal" credit. He says that normal credit will have no effect on prices while abnormal credit tends to raise prices. Such a distinction and conclusion belies every fact of credit use. Abnormal credit by final analysis of his statement is credit that is not paid when due. But at the time credit is used to purchase goods the one receiving it believes that it will be paid; moreover, the price relation is fixed at the time when the credit ("normal" or "abnormal") is issued. It is only when the test of payment is applied that those holding the credit may know that it is abnormal. Either all credit is "normal" at the time prices are made, or there is no way of distinguishing between normal and abnormal credit—in either case the theory finds no foundation in fact.

"The Battle with the Slums"[21] contains much that students of tenement reform in New York City have heard from Jacob Riis before, either on the lecture platform or in his three books, "The Ten Years' War," "The Making of an American," and "How the Other Half Lives." But the story of the battle for decent homes and clean atmosphere and free play can never be told too often by one with such broad human sympathy and wide experience as Jacob Riis. If it is true, as the author believes, that New York has advanced more in the last three years than in the thirty years preceding, then there is certainly need of this latest work. The publishers have given us a more expensive book with more elegant paper and a wealth of illustrations, such as cannot be duplicated in any other work of social reform addressed to the general public. In fact it is not too much to say that at the present time the book is without an equal as a text for social clubs and civic organizations of whatever kind in our large cities or even for teachers of civics in our public schools, academies and colleges.[22]

[21] Pp. xii, 465. Price, $2.00. New York: Macmillan Co., 1902.

[22] Contributed by William H. Allen, Ph. D., Jersey City.

A SECOND NUMBER OF Appleton's Life Histories is the story of "Father Marquette,"[23] by Reuben G. Thwaites. The author is especially well equipped for such a work, having edited "The Jesuit Relations," an annual record of the activities of the Society of Jesus in America. The volume contains an interesting account of the trials and travels of the great missionary. A brief of the history is contained in the preface. The story following is one of adventure and discovery. Its most useful contribution is that of giving a picture of Indian conditions and of primitive resources rather than one giving and showing results in religious conquest, or of the educational uplifting of the Indian.

A second volume, by the same author, follows the first, having for its subject the life of "Daniel Boone."[24] The author first follows the movements of the Boone family from Devonshire, England, to Abington, a suburb of Philadelphia, thence to Exeter, near Reading, where Daniel passed his boyhood on the frontier; he then traces the migration of Daniel's branch to the Yadkin Valley, North Carolina, from whence young Boone enlisted in the French and Indian War; his presence with Braddock's column at the time of the memorable defeat of the English, his return to the Yadkin, his marriage and subsequent migration to Kentucky, thence to the Kanawha, and finally to Missouri, where he died, these successive adventures are given a setting that is at once without the glamour of previous biographies and at the same time is true to the part that he played in the opening of the continent. This is again the work of an historian, rather than that of a hero-worshiper or of a popular literateur.

REVIEWS

Syllabus of Lectures on the History of Education with Selected Bibliographies. By ELLWOOD P. CUBBERLY, Associate Professor Leland Stanford, Jr., University. Pp. xii, 302. Price, $2.25. New York: Macmillan Company. 1902.

Professor Cubberly has rendered an important service to students of pedagogy. The materials for the study of the history of education are so diverse and so difficult of access that it has been difficult to break the student's inclination to be content with mere text-book data. In no subject is it more important that the sources should be studied. These text-books are biographic and chronologic. Both methods of study or treatment are faulty and inadequate. This volume will open the way to an institutional study of education—great movements and their results in the schools are outlined, and a rational approach to the data of educational history is suggested. This is altogether admirable and unique.

The author frankly confesses to certain inequalities in treatment, a matter that can scarcely now be avoided in attempting a syllabus of lectures.

[23] Pp. xvi, 244. Price, $1.00. New York: D. Appleton & Co. 1902.

[24] Daniel Boone. By Reuben G. Thwaites. Pp. xv, 257. Price, $1.00. New York: D. Appleton & Co. 1902.

But each epoch has sufficient data for the ordinary purposes of the class-room, and beyond this it is scarcely necessary at present to go. Later on, when the subject matter is fully worked over, and courses of lectures on a more restricted epoch shall be offered, it will be well to add materially to the outline and bibliography given. The best feature of the outline is its adherence to educational unfolding. Lying close to this thread of essential data is so much that is interesting that it is highly commendable to the author that he has adhered so closely to his purpose and followed only essential lines of historic unfolding.

The syllabus is to be commended for its adherence to scholarly ideals, for its copious references to important sources, and for its general scope. The careful student will welcome, too, the space provided for addenda. Its bibliography will afford to teachers in smaller institutions a valuable guide to the selection of a working library in pedagogy.

M. G. BRUMBAUGH.

University of Pennsylvania.

The History of the Constitution of Iowa. By BENJAMIN F. SHAMBAUGH, Ph. D. Pp. vi, 352. Published by The Historical Department of Iowa. Des Moines, Ia. 1902.

Maryland Constitution of 1851. By JAMES WARNER HARRY. *Johns Hopkins University Studies in Historical and Political Science.* Series XX, Nos. 7-8. Pp. 84. Price, 50 cents. Baltimore. 1902.

The recent appearance of two works dealing with certain phases of the constitutional history of two of the American Commonwealths, namely, Iowa and Maryland, directs attention to the increasing and encouraging tendency of students of American institutions to enter the field of state constitutional history, which has so long been neglected for the political and constitutional history of the Federal government. Professor Shambaugh, the author of one of these volumes, had issued previously a series of documents relating to the Northwest in general and to Iowa in particular, and also compiled and edited the debates of the Iowa Constitutional Convention of 1844 and 1846. He now presents an "historical essay," entitled "The History of the Constitution of Iowa," which is in the nature of a commentary upon the documents already published. The purpose of the author, to quote his words, "is not a philosophical discussion . . . nor an outline of our constitutional history," but "to narrate briefly the history of the constitutions of Iowa, and therein to suggest perhaps, somewhat of the political ideals of the people and the place which this commonwealth occupies politically in the progressive history of the larger commonwealths of America." The early chapters trace the constitutional beginnings of Iowa from the resolutions of the early claim associations, the so-called "squatter constitutions," through the various stages of the territorial government. The work analyzes and compares with considerable detail the nature, scope and purpose of the two acts relating to the territory, passed by Congress in the decade 1836-46, the first for the government of the Territory

of Wisconsin, which for a time embraced Iowa, and the second for the Territory of Iowa, which included that portion of the old territory west of the Mississippi and north of Missouri. Chapters IX to XIV treat of the agitation for the adoption of a state convention and the formation of the constitution of 1844, and its final rejection. The six concluding chapters deal with the formation of the constitution of 1846, the boundaries of the state, its admission into the Union, and the work of the convention of 1857 and the resulting constitution. We hope that the author will be led at some time in the near future to continue the record, presenting the constitutional history of the commonwealth under this constitution, which has remained in force to the present time. An index would have contributed much to the usefulness of a volume of over 350 pages.

The second monograph under consideration, "Maryland Constitution of 1851," by James Warner Harry, adds another excellent chapter to the several already contributed by the students of Johns Hopkins University on the constitutional history of Maryland. The present study deals with the period 1836 to 1851, in three chapters. The first traces the agitation for constitutional reform which culminated in the convention of 1850-51; the second treats of the proceedings of the convention, and the third analyzes the completed constitution and compares it with the one it superseded. The sectional jealousy and the conflicting interests of the Eastern and Western shores, especially those growing out of slavery and the rivalry of the commercial and agricultural communities and the demand of the growing city of Baltimore for increased representation, led to the presentation of a provision to enable any portion of the state to secede and unite its territory with such adjoining state as its inhabitants might elect. This attempt of the Eastern shore to make its secession possible was defeated by a vote of 51 to 27. As a concession to local interests the state continued to be divided into three districts for the election of governor, who was to be chosen from each district in rotation.

The completed constitution pleased no one; however, it was ratified by the people. The author regards it "as rather a poor instrument although there were some salutary reforms made." This is an intelligent and instructive contribution interestingly presented.

HERMAN V. AMES.

University of Pennsylvania

Education and the Larger Life. By C. HANFORD HENDERSON. Pp. 386. Price, $1.30 net. Boston: Houghton, Mifflin & Co. 1902.

Dr. Henderson has written a book that commands attention and yet one that excites comment and opposition. He has changed his former philosophy, and there is much in his new view that would have aroused his own antagonism if he had read the book a few years ago. Both his ends and means are, in my opinion, based on a defective view of social progress, but the spirit of the book is good and the enthusiasm he shows for his ideals is refreshing and uplifting. The book is plainly a labor of love, and one dislikes to find fault with a work on which so much energy and enthusiasm have been spent;

yet if it contains bad educational doctrine, its tenets ought to be brought to some objective test.

Dr. Henderson tells us that the present volume is meant to make a large inquiry and to show how education can be so applied in America as best to further the progress of civilization. It seems to me he has missed this large problem by being too much influenced by a narrower one. To put the difference in my own way:—Dr. Henderson is a believer in simplicity; but of simplicity there are two kinds—a simplicity of those who have $500 a year and one of those with $5,000. There is indeed for the latter class a simplicity that has a value to its members and to society; it is, however, not normal simplicity, but a sort of bric-a-brac iconoclasm that throws out of their lives the debris that poorer people are fond of accumulating and use as evidence of their prosperity and intelligence. To get this accumulation out of the parlor is only a negative advance, and the act, however laudable, is not a basis on which social activity can rest. Dr. Henderson may be a good guide in these matters, and certainly is well worth listening to by people with large incomes who want to drop their inherited conventionalities and be simple at $5,000 a year. But social progress is aggressive and positive and needs other expounders.

The educational problem for people in this stage runs about as follows: Given $5,000 a year, with $1,000 to be expended on a boy, what shall be done with him? Dr. Henderson may object to thus limiting his problem, but I do not see how so expensive a scheme as his can apply to other children. Parents of this class, moreover, are the only ones that can follow Dr. Henderson's plan. Other parents have, occasionally at least, to use sterner measures.

This brings us to the main point of the book—what is education? Dr. Henderson's reply is that there can be no education where there is no joy and delight in the doing. The educational process is an inner process, and "must be brought about not by any outer pressure, but by the growth and outreaching of the spirit itself."[25] This sounds well, but I doubt its truth, and am also firmly of the opinion that it does not conform to the known facts. Biologists have made the distinction between acquired and natural characters. The latter are a part of our heredity, and come to every one with the natural development of his powers. The former have no basis in heredity, and must be acquired by each generation through its own toil and effort. Dr. Henderson's scheme put in terms of science applies only to inherited characters. Their development is easy and pleasant, and they can be evoked by the natural motives that lie in every breast. Many of them come of themselves if the growing child is left alone. Can, then, the early stimulation of that for which nature has set a time for its unfolding be called education? I do not think that this premature growth deserves the name, and yet it is just this on which so many educators pride themselves, and their view is lifted up into a philosophy by Dr. Henderson.

A complete education must include the development of acquired characters—those not in the group of qualities coming to children from their

[25] Page 69.

parents. Give the child some power that nature did not give and he is educated. Prematurely arouse some natural power and he may be dwarfed. Man cannot supplement nature and develop by force-feed processes as sturdy boys as nature makes in her own good but slow way. But man can see the lack of certain characters and put the child in possession of powers that nature has not given. Develop their acquired characters and the natural ones will in the main care for themselves.

Education thus has a clearly defined field, and in it much can be done to free the child from the limitations that the past development of the race has imposed. It is a freedom from the defects of heredity, and comes through a discipline as severe as that through which natural characters were acquired. Did nature give us our natural qualities without pain, struggle and toil? Was their acquisition all "joy and delight," and did they come without any "outer pressure?" If not can we expect that the less developed qualities—those on which men's present freedom depends—will come without that discipline which nature imposes? "Whom the Lord loveth he chasteneth." Whom nature improves she pains.

Real education is a discipline that prepares the way for a larger life. It narrows but it intensifies activity, and makes easy the removal of obstacles to progress. Civilization is sustained by machines, tools, codes and traditions that would perish if not preserved and utilized. To these goods, material and social, men must adjust themselves, and it is only through the surplus energy they create that the natural characters of individuals can find full expression. Education is conscious progress because it depends on the acquisition and preservation of acquired characters.

One example of Dr. Henderson's reasoning must suffice. This is his rule for Sunday observance. "Never do anything on Sunday so stupid that you would not be willing to do it on Monday, and never do anything on Monday so wicked that you would not be willing to do it on Sunday."[26] This sounds well, but it misses the point. The real problem is not the stupidity, real or imagined, of Sunday life, but the need of one day's rest in seven. Should the great economic processes cease on Sunday? If so it must be because men can do more work in six days than in seven, and not because the leisure of the seventh may or may not be stupid. This is the objective side of the problem. On its subjective side the problem is: can one think better and more clearly if he thinks on his subject of inquiry seven days of the week, or is a break in the thought and activity advisable even if this renders the seventh day stupid? All rest is stupid in its beginnings. It becomes a joy only through alternate activity and interests. Religion gives this change, and while it may be less intense than the occupations of the week, it is at least better than idleness and much better than the continuation of intense work.

I use this illustration to show the defects of Dr. Henderson's attitude. If, as he plainly states, life has a social purpose a correct analysis of economic phenomena is a necessary preliminary to the study of educational problems. I doubt if he has done this with sufficient care to make his judgment final.

[26] Page 238.

His flings at commercial life plainly show his limitations,[27] and give the impression that he has not reached the final stage in the evolution of his thought. There must be some way of elevating the aims and ideals of commercial life and he who tells us how will be the great educator of the future.

SIMON N. PATTEN.

University of Pennsylvania.

BOOKS ON NAPOLEON

The True Napoleon. By CHARLES JOSSELYN. Pp. 437. New York: R. H. Russell. 1902.

With Napoleon at St. Helena. Memoirs of John Stokoe. Pp. vi, 258. London: John Lane. 1902.

Napoleon as a General. By the late COUNT VON YORCK VON WARTENBURG. Two volumes. Pp. 373 and 478. Price, $10.00. London: Kegan Paul, Trench, Trübner & Co., Ltd., and imported by Charles Scribner's Sons, New York. 1902.

"The True Napoleon," by Charles Josselyn, is, as the author states, in a subsidiary title, a cyclopedia of the events of Napoleon's life. The compilation is skillfully done and the book makes very interesting reading. The story is made up almost entirely from the standard authorities and writers on Napoleon. Quotations of varying length occur on almost every page. The transitions are adroitly managed, and the story has much greater continuity than might be expected from such a method. A very serious defect in the book, however, is the lack of discrimination between primary and secondary authorities. A work using as authorities Bourienne, Morris and Scott indiscriminately can scarcely lay claim to a place among scientific works on history. On the other hand, the sources are always specified in a general way, and since the author disavows any claim to originality, apart from the method of presentation, it is perhaps unfair to expect a thoroughly scientific treatment. The life of Napoleon is treated in five chapters under the following heads: Boy and Man, 1767-1821; The Soldier; Emperor and Statesman, 1799-1815; Exile and Philosophy, 1815-1821; The Man of the World. A sixth division gives a very poor Chronology of Napoleon's Life. Eleven beautiful illustrations add to the attractiveness of the otherwise handsome volume, though here again the lack of critical insight appears in the presence of a picture of the episode of the mythical sunken road at Waterloo.

"With Napoleon at St. Helena" forms the title of the neat volume consisting partly of extracts from the memoirs of Dr. John Stokoe and partly of a narrative account of the events at St. Helena during the six years of Napoleon's captivity. The memoirs proper extend over only a short period of the years of captivity on the island, beginning with the arrival of Dr. Stokoe in June, 1817, and concluding with his departure in September, 1819. Unfortunately, the editor instead of publishing the memoirs consecutively and in their entirety has seen fit to print only such extracts as serve her scheme of a narrative account of the drama at St. Helena. The value of the memoirs

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is greatly impaired and a good opportunity missed. Besides the story of St. Helena has been so often and so ably told that there is little or no warrant for new attempts.

From the few extracts of the memoirs we get an excellent glimpse of the life on the prison island. It is described with freshness and enthusiasm and constitutes another severe indictment of Sir Hudson Lowe. Interesting side lights are cast upon the petty intrigues of the island, and for the first time the rôle played by Admiral Plampin's mistress appears clearly. Dr. Stokoe's acquaintance with Napoleon began in an informal manner, and on the dismissal of the Emperor's physician, the infamous O'Meara, Napoleon asked his assistance during a serious illness. His five days' stay at Longwood created the greatest excitement and suspicion in the mind of Lowe. With the aid of the admiral he seeks to compromise Stokoe in an imaginary plot; the Emperor's request to have him as his physician is refused. Stokoe returns to England, and finds on landing that he is ordered back to St. Helena to submit to a courtmartial, in which he is unjustly condemned.

The discussion of the "Last Phase," as the life of Napoleon at St. Helena has been picturesquely called, has been the subject for an untold number of books. Some of these, as, for example, Lord Rosebury's work, are so excellent in character, that the present running account by the editor seems quite superfluous, and it is to be regretted that Miss Stokoe did not give us a critical edition of Dr. Stokoe's memoirs instead.

"Napoleon as a General," by a colonel of the general staff of the Prussian army on the military career of Napoleon, must be regarded rather as the fruit of the present day interest in matters military than the result of the active interest in Napoleon of recent years. It forms the seventh work in the Wolesey Series, edited by Major W. H. James, the special object of which is "to place before British officers and others, translations of the best foreign military books in an English dress," though original works in English along the same lines are also added.

The value of the present work from the point of view of the series is undisputed; the annals of warfare afford no more fruitful subject for the student of military affairs than the 'Little Corporal,' "the man upon whose shoulders the whole of modern strategy rests." The author brought to the study of the subject a thorough knowledge of modern warfare. To this he added a careful study of the literature of Napoleon, particularly of the *"Correspondance de Napoleon Ier."* He divides Napoleon's career as general into three periods: first, the period of collaboration, in which he served as a subordinate, offered suggestions and submitted plans; second, the period in which he served as the general of the government at the head of an army, with perfect freedom of action so far as the theatre of war and his definite forces would permit, and, third, the period of his power, during which he controlled not only the army but the state and all its resources. Only one other not born to a throne reached the third stage; Cæsar and Napoleon reached the point of that absolute control of all the interests of war which a personal despotism commands. Hannibal's ruin, the author properly declares, lay in the fact that he could not get beyond the second stage.

Every side of a great general is, therefore, illustrated in the career of Napoleon; he directed not merely campaigns but wars. This difference is kept clearly in mind by the author, only occasionally does he allow himself to enter upon a discussion of his acts as a statesman.

The distinction between Napoleon, the Emperor, and Napoleon, the General, is clearly drawn. For the former the author has only the harshest criticism, for the latter the highest praise and commendation. The conclusion of the volumes gives the fullest endorsement to the statement that "all the plans of Napoleon's fourteen campaigns are in harmony with the true principles of war; his wars were bold but methodical." This the author succeeds entirely in impressing upon the reader who follows him in his study of his hero. From the first Italian campaign in 1796, to Waterloo, with the single exception of Marengo, the statement receives continued corroboration. Every campaign and every engagement is planned in conformity with a few principles which the great general had himself formulated, and the importance of which he never lost sight of. Chief among these, were, first, "the principle of having only one line of operation;" second, "the principle of making the main body of the enemy's army the objective;" third, "the principle of conducting the line of operation in such a manner as to place one's self on one flank, or, if possible, on the rear of the enemy and thus cut his communication;" fourth, "the principle which follows logically upon the third, of turning what Williston calls the enemy's strategetical wing, that is the one, self on one flank, or, if possible, on the rear of the enemy, and thus cut his communication;" fourth, "the principle, which follows logically upon the third, of turning what Williston calls the enemy's strategetical wing, that is, the one the turning of which will most effectually drive him off his lines of communication," and, fifth, "the principle of keeping one's own communications open." To these should be added a number of Napoleon's axioms on war that are less technical in character, such as "divide to live, unite to fight," "war must support itself," and "it is my principle to advance in masses," or, as he himself explained, "When with inferior forces I had a large army before me, I concentrated mine rapidly and fell like lightning upon one of the enemy's wings and routed it. Then I took advantage of the confusion which this manœuvre never failed to produce in the opposing army, to attack it on another point, but always with my whole force. Thus I beat it in detail, and the victory which was the result was always the triumph of the larger number over the lesser."

This is in harmony with his ability to concentrate all his powers upon one object, of keeping them fixed upon it and of not allowing the details of the execution to divert his attention. Although scrupulously careful of his commissariat arrangement and of other details of the army organization, he never fell into the error "of seeing too many things at once." Like all great commanders he began with a plan but arranged the details as the situation required. Finally his personal magnetism and power over his men was only paralleled by his capacity for hard and effective work with the compass and charts. But over and above the consistent adherence to the ordinary principles of war there is in all the acts of Napoleon the impress of that marvelous

insight and perception which stamps him as the really great leader. Again and again a mind less great would have been satisfied with results short of the greatest; this was never true of Napoleon. At such times,—the occasions on which the "paths of an ordinary corporal general diverge from those of a really great commander,"—he always proved himself the latter. For Napoleon there was no such word as *impossible;* untiring industry and unbounded confidence, a thorough appreciation of facts, and above all a boundless power of imagination, raised him above all obstacles. In his later years the imagination blinded his perception of the facts; his arrogance proceeded to the length of recognizing only facts in conformity with his ideas, and here lies the basis for his fall.

These are some of the thoughts of Count von Wartenburg's work; it makes no pretence at a consideration of any but the military side of Napoleon's life. To the author "Napoleon became the greatest general because he voluntarily renounced becoming a great monarch." The authority for this sweeping statement is not given. Indeed it would be difficult to find it in the life of Napoleon. To most of us the constructive ability of the Emperor in civil affairs quite equalled his transcendant genius for war. Wartenburg's military bias has sadly misled him on this point. Even in the estimation of his most hostile judge, Prince Metternich, Napoleon was born an administrator, a legislator, and a judge.

The conception of the work is in conformity with the suggestion of Lord Rosebury, that it is too stupendous a task for one man to write the whole life of Napoleon, and that separate lives, one dealing with the military, the other with the civil side of his activities are absolutely necessary. In our opinion the present volumes, although quite meritorious, are far from attaining the standard of excellence necessary to make them the work the brilliant author of the "Last Phase" would accept as an adequate history of the military life of the great Corsican.

W. E. Lingelbach.

University of Pennsylvania.

The Story of the Mormons. By William Alexander Linn. Pp. xxvi, 637. Price, $4.00. New York: The Macmillan Company. 1902.

This work is of a more serious character than the title indicates; indeed, it is the chief aim of the writer to present a complete history of the Mormons from their origin in Pennsylvania and New York to their present status in Utah and in the neighboring states. Most of the previous histories of the Mormons are monographic, treating only brief periods of their history. Therefore this work is important merely from the standpoint of completeness. The reader of Mormon history is also handicapped owing to the polemic nature of these monographs. One of the pleasant features of this treatise is the judicial attitude the writer maintains toward the disputed subjects. To escape the charge of partisanship he consciously quotes from Mormon sources rather than from those of their opponents. For this reason, his conclusions are convincing, although the chapters of the book present an unceasing arraign-

ment of the evolution of the Mormon faith and church organization. He however denies that the growth of the Mormon faith differs from the evolution of other sects, and bases their rapid growth in the face of so many contradictions in the formulation of their faith upon the universal quality of mankind—"Facility of human belief."

But it is at this very point where one of the weaknesses of the book appears. The explanation is too simple. The writer would have done well to acquaint himself more thoroughly with the peculiar condition of the American mind in the Thirties, the time of the origin of Mormonism. No mention is made of the fact that this was a period of social unrest when men welcomed any movement that offered relief. In relating Smith's interesting bank experiment in Kirtland, Ohio. in 1837, no mention is made that this was but an incident in the wildcat bank movement of that very time. These are a few weaknesses that appear among the many excellencies of the work. The author presents in a clear light some of the vexed problems in Mormon history, such as the relation of the Spaulding manuscript to the Mormon Bible, the position of Sidney Ridgon in the evolution of the organization of the church, the relation of Joseph Smith to the introduction of polygamy as a church doctrine. The value of the history does not decrease as the writer approaches the history of the Mormons in Utah concerning which three authors have written voluminously. Both Tullidge and Whitney were members of the Mormon church, while H. H. Bancroft confided the preparation of his text to Mormon hands. Mr. Linn makes us believe through numerous citations well authenticated that the occupation and settlement of Utah constitutes one of the blackest pages of Mormon history.

GEORGE D. LUETSCHER.

George School, Pennsylvania.

The History of South Carolina in the Revolution, 1780-1783. By EDWARD MCCRADY. Pp. 787. Price, $3.50. New York: The Macmillan Company. 1902.

The fourth volume in the series, by Edward McCrady, Esq., member of the Charleston, S. C., Bar, completes the history and development of the state socially and politically from the beginning of its colonial life to the end of the Revolutionary War. The third volume covered the story of the Revolution to 1780 and the present one completes it from that point.

As in the prior volume, the author confines himself almost exclusively to the military history. The two volumes might be justly called a history of the Revolutionary War in South Carolina, so far as the civil history of the transition from colony to statehood is concerned. Yet it must be admitted that government in that section was well-nigh intermitted during these years of invasion and strife, and that all social history was annihilated in the crucial test of what was virtually a civil war.

The present volume begins with the arrival of General Greene to assume command after the defeat of Gates at Camden—General Greene, "the 'Deputy Saviour' as he was almost blasphemously called, to reap the fruits and the honors not only of what had already been done by the partisan bands, but of

what they should thereafter do." These words form the text of the volume, the aim of which is to show that the real saving of the state was accomplished by native troops and native commanders rather than by forces imported from other states. Every action of Greene is shown to be faulty, moved by bad judgment, and frequently tinged with rancor toward Carolinians who were succeeding. "It was Sumter's, Marion's and Harden's work during Greene's absence from the state that compelled Rawdon to fall back." The author finds it difficult to explain Greene's "persistent hostility" to Sumter, unless on the ground of jealousy. He comments sarcastically on the honors heaped upon Greene by the Jacksonborough Assembly, while nothing was said or done for Moultrie, Sumter, Marion or Pickens.

In the actions of this temporary government, described very largely as a "carpet-bag" régime might be described at a later date, the author finds the *raison d'être* for anti-Federalism and the desire for home rule in the later history of the state. The departure of the Continental troops from Charleston at the close of the war is described as causing as much pleasure as if it were an evacuation by an enemy. "St. Michael's bells would have rung for joy upon their departure from South Carolina had those bells not been carried off by the British."

It is a distinct disappointment to find the old-time state bias, from which the preceding volumes were so delightfully free, so much in evidence in the closing volume. No reader would willingly take away one battle from the one hundred and thirty-seven which make up the proud record of South Carolina. No one would add a single trooper from another state to mar the record of the one hundred and three combats waged by South Carolinians alone. No one would be so heartless as to subtract one battle from the one hundred and twenty-three in which South Carolina troops participated, or to add one to the paltry fourteen fought within the state by outsiders. South Carolina sustained herself most nobly and deserves all credit. She needs no justification. She needs history only.

Those who have missed reading the preceding volumes will find a most comprehensive and interesting résumé of the author's entire series in the closing pages of this volume. Near at hand will also be found a complete list of the battles fought within the state, arranged both chronologically and by counties. Notwithstanding the sectional tone which the present reader regrets to have found in the closing volume, Mr. McCrady has set an example of a comprehensive and scholarly series for early South Carolina which will render the reading public doubly fortunate if it is duplicated in other states.

EDWIN ERLE SPARKS.

University of Chicago.

The Loyalists of the American Revolution. By CLAUDE HALSTEAD VAN TYNE. Pp. 360. Price, $1.50. New York: The Macmillan Company. 1902.

Upon the justice of the treatment accorded those colonists who chose to remain loyal to their king there has been wanting no variety of opinion. One view is represented by the prediction of Goldwin Smith that if ever a power

hostile to the United States should arise in Canada, it would be due to our ancestors, who refused amnesty to the vanquished in civil war and exiled them to Canada and England. The other side is presented by various writers from among us, who make no excuse for the action of our patriot fathers other than simply that the Loyalists chose deliberately in a civil war and must abide by the punishment commonly visited upon the vanquished. This is the view of the present writer. "The cause of the Loyalists failed," he says, "but their stand was just and natural. . . . The Loyalist obeyed his nature as truly as the Patriot, but, as events proved, chose the ill-fated cause, and, when the struggle ended, his prosperity had fled, and he was an outcast and an exile."

There has been no satisfactory work upon this most interesting topic. Jones is local; Van Schaack and others are individual biographies; Sabin is collected biography; and Curwen is an autobiography. The present attempt is likely to prove more satisfactory to the public, to whom the story of the sufferings of these ill-judged but honest partisans appeal most powerfully, and also to students as an authoritative word on the subject.

Very early in the reading, one is inclined to question the latter element as a possible constituency, because the author has burdened both body and footnote with explanation and connecting matter—known facts which constitute the alphabet of a student of history. For instance, an explanation is given of the Townshend measures, the punitive acts of 1774, and the military "associations." Again, for the student, the matter will be found undigested. The recital jumps from colony to colony, giving a mass of quotation and citation, but rarely making a deduction or summing up a conclusion. The theory of finality is not in evidence.

To the first class, the general reader, the book will most likely appeal, although the same lack of conclusiveness will no doubt be apparent to him. The general effect is that of the publication of an excellent note-book on the Loyalists; carefully selected, and even as a rule chronologically arranged. From this definition the work ought to be judged. Those who seek a plain recital of the facts will find them here. In rapid panorama pass the unfortunate victims of tarring and feathering, some to be stoned and whipped, suffering confiscation of property, banished from home, exiled from native or adopted land, and accused of the foulest crime in the calendar of an American—treason.

This collection of references and notes by Mr. Van Tyne is a remarkable piece of student's work, and will be drawn upon largely for material by others interested in the subject. If not a critical essay, it at least attains the modest claim of its author. The appendices include a résumé of the "test laws" by states, and a classification of the principal statutes directed against the Loyalists by the various states.

EDWIN ERLE SPARKS.

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NOTES.

I. MUNICIPAL GOVERNMENT.

AMERICAN CITIES.

New York.—*Water Supply.*—The City Club, which has been investigating the question of New York's water supply, has recently issued a report containing the result of its investigations. Attention is called to the fact that a water shortage is imminent in the boroughs of Manhattan and the Bronx. A table is given showing the total and the *per capita* consumption of water since 1885, together with the increase, and percentage of increase, in population. The total daily consumption for 1902 is estimated at 288,000,000 gallons, giving a *per capita* consumption of 134.6 gallons. If the increase in population and in consumption *per capita* continues, the daily consumption will exceed the supply by the end of 1903.

It is further shown that a large proportion—at least 50 per cent—of the present water supply is wasted through defects in the city's distributive system and the lack of proper inspection. Expert evidence is quoted to show that from thirty to fifty gallons per day is probably all the water actually used, the remainder of the 134 gallons being wasted. In the last seventeen years, the apparent consumption of water in Manhattan and the Bronx has increased almost six times as fast as the population, while the apparent consumption by each inhabitant is more than two and a half times what it was seventeen years ago. A saving of even 25 per cent through stoppage of waste would be equivalent to an enlargement by one-fourth of the present water supply, and would avert the danger of a water famine until new sources of supply could be secured.

Evidence is submitted to prove that a large proportion of the loss is due to faulty street connections, defective interior plumbing, and the wanton waste of consumers. The example of other cities is cited to show that these causes of waste can be removed through the application of scientific methods. The remedies are declared to be: first, an adequate force of competent inspectors to ascertain and locate leaks, and a business-like city administration to compel the remedy thereof; and second, the general installation of meters throughout the distributive system. Through the saving in waste the city will soon recover the cost of the meters, and whatever popular prejudice exists against their installation can be overcome by calling public attention to the fact that the meter system places the burden of waste where it belongs—upon the wasteful consumer—instead of assessing it upon the careful and wasteful consumer alike.

Boston.—*Uniform Accounting.*[1]—The Monthly Bulletin of the Statistics Department of Boston for June, 1902, contains valuable information on the subject of uniform municipal accounting. This bulletin gives a concise his-

[1] Communication of W R. Guitteau, Toledo, Ohio.

tory of the effort of the National Municipal League to secure uniform municipal accounting, and presents seven tables showing the financial condition of Boston for the year 1900-01, prepared in accordance with the recommendation of the League's committee on uniform municipal accounting.

The scope of these tables is as follows: Table I is a consolidated financial statement of receipts and expenditures under the heads of ordinary, extraordinary trust funds and bookkeeping items. Table II is an analysis of receipts by sources of income. Table III is a summary of receipts and expenditures under the heads of ordinary, extraordinary and trust-fund items. Table IV contains an analysis of receipts and expenditures of the various departments grouped according to the functions they subserve. Table V. contains a summarized statement of receipts and expenditures pertaining to the trust-fund account. Table VI shows the temporary accounts called bookkeeping items. Table VII is a statement of ordinary receipts and expenditure arranged in alphabetical order, containing the information found in Tables III and IV under a different grouping.

Two especially important features of this scheme of municipal accounting are the diversion of receipts and expenditures into ordinary and extraordinary, and the groupings of the various departments according to the functions which they subserve. This plan of grouping departments so as to show expenditures for various public functions, has the great advantage of clearly showing the people just what service they are getting for their expenditures. By this plan, receipts and expenditures are classified under the following heads: (1) General Government; (2) Public Safety (protection of life, health, property; (3) Public Charity and Correction; (4) Public Works; (5) Public Industries; (6) Public Education; (7) Taxation; (8) Public Debt; (9) Interest; (10) Miscellaneous.

While the work of the Committee on Accounting has not yet been completed, these tables show the important results which its plan will achieve toward securing a clear and concise statement, intelligible to the taxpayers, of municipal finances.[2]

San Francisco.—*Municipal Election.*[3]—The special municipal election which will be held in San Francisco, on December 4, has more than a passing and local interest, since at that time the people are to vote upon the question of the acquisition and management by the municipality of one of the street railroad lines passing through the heart of the city. This is not to be a vote upon a mere vague and abstract principle. The city was committed to the general principle of municipal ownership of public utilities by the adoption of the explicit provisions to that effect in the new charter in 1898. The question before the voters is one of direct, specific and immediate practical importance: Shall the city acquire and operate the Geary Street Railroad, the franchise of which will expire in November, 1903? The board of supervisors of the city, acting under the advice of the city attorney as to the method of procedure, and upon the estimates of cost ($700,000) furnished by the city

[2] Copies of this bulletin may be obtained, by enclosing a stamp for postage, from the Statistics Department, of Boston, Mass.

[3] Communication of Prof. Kendrick Charles Babcock, Univ. of California.

engineer, voted to submit the matter to the vote of the people at a special election called mainly for that purpose. Along with this question will be submitted several minor amendments to the charter, but no officers are to be elected. So the matter of acquiring the railroad mentioned will have consideration mainly on its own merits, unencumbered by officers or personalities.

Conditions for an affirmative vote upon the proposition to acquire this particular system, and for the successful operation of it by the city if it be acquired, seem to be peculiarly unfavorable. Yet there is no prospect that the immediate future will bring any other opportunity half so favorable for the trial of municipal ownership of this kind of public utility, or any other utility in San Francisco, for that matter. Suspicion of the city government has become so chronic, that not even the honest and fairly efficient administrations of the past five or six years have established a presumption in the city's favor. The merit system is not yet strongly intrenched in successful operation. The relations of employers and laborers have been often disturbed and strained by strikes during two years past. Furthermore, the city has had no considerable experience in municipal ownership of any form of public utilities and local traditions are against such "dangerous experiments." Water, gas, electric light and transportation are all furnished by private corporations. Some of these corporations are notoriously overcapitalized, while within the last year three of the large street railroad systems have been combined under the name of the United Railways, thus practically securing monopolistic control over the major part of the city, and particularly over the lower section of Market street, the city's great main thoroughfare. The approach of the expiration of the Geary street franchise is coincident with the application of the United Railways for franchises for extensions and new lines. The imperative need of access to the ferries to improve the value of the Geary Street Railroad if it becomes city property, has prompted the board of supervisors to insist that the United Railways shall give the required access over their tracks as a consideration for the granting of their much-desired franchises. The only alternative suggested is an amendment to the charter, by which the city purposes to assume the right to grant track privileges on a street to two or more companies. The Geary Street Railroad Company will not surrender easily, and is endeavoring to secure a petition for the renewal of the franchise, signed by three-fourths of the property owners along its line. Its attorney holds that when this petition is presented to the board of supervisors, that body must put up the franchise for sale to the highest bidder. The path to the courts seems to be broad and open, and a year is a short time for settlement, in case the city votes for public ownership.

Buffalo.[4]—*Tenement House Conditions.*—On December 12, 1902, the Buffalo Charity Organization Society held its twenty-fifth annual meeting, at which the most interesting and vigorous report presented was that of its Committee on the Sanitary Conditions of the Homes of the Poor. This report showed that in 1901 Buffalo was placed under the state tenement law, which is the best and most comprehensive thus far enacted, and the enforcement of

[4] Communication of A. C. Richardson, Buffalo, N. Y.

the law was entrusted to the local health department. In April, 1902, the society caused an investigation to be made, which covered 104 tenements, including the largest, to see what results if any had been accomplished. Only three cases were found in which the law had not been violated. Many of the buildings, the report stated, were in such unsanitary or unsafe condition that they were not habitable, and "it seemed only too apparent that, instead of progress, a retrograde movement had set in."

These facts were fully reported to the Health Commissioner, who was urged to take prompt action. Later on, a conference with the representatives of the society was held, at which it was agreed that the tenement-house inspector should have the assistance of two others, that violations of the law should be prosecuted, that several flagrantly bad tenements should be condemned and vacated as provided in the law, and that fire-escapes should be required in buildings highly dangerous to the occupants. The society further offered to provide homes for any tenants that might be evicted by the Health Commissioner, and to co-operate with him in every possible way.

On the ninth of December another investigation of these same 104 tenements, arranged and paid for by the society, was completed, and it was found that every one of the evil conditions previously reported still existed, that the same glaring violations of law continued, and that no measures had been taken by the Health Department to remedy the one or to punish the other. In view of these facts it was not surprising that the committee, losing patience at the delay, reported to the society a resolution strongly condemning the apathy and neglect of duty displayed by the Health Department, and demanding immediate and energetic enforcement of the tenement house laws. This resolution was passed unanimously. Its publication in the press next day naturally stirred up considerable comment, and on the twenty-ninth of December the secretary of the society published an address to the public, in which he said, among other things, that the inspector employed by the society had inspected in eight days all of the 104 tenements previously reported on, and had also found by the records of the Health Department that more than half of them had not even been visited by the inspectors of the department, who, by the way, had had all summer in which to do the work. He then proceeded to give details of a few cases, including the action of the department thereon, when there was any. In no case, however, did this action amount to anything more than "marking time." There was no attempt whatever at an earnest, vigorous enforcement of the law.

On the fourth of January, 1903, the attorney of the society published a letter in which he formally notified the Commissioner that prostitution existed in twenty-six tenement houses specified, the evidence of which he offered to place at the Commissioner's disposal, and required him to begin the proper legal proceedings against those houses and their owners. The law provides a fine of $1,000 for the owner of a tenement house used for this purpose, and if the owner after being notified that his premises are being so used, does not within five days bring an action to remove the tenant who has permitted it, the owner is deemed to have consented to such use and becomes liable to the fine. If the Health Department does not proceed against

the owner within ten days after such notification, any taxpayer may do so, and a fine thus levied becomes a lien on the premises, which may be enforced at once by the appointment of a receiver to sell the property for the purpose of collecting it.

Shortly after the appearance of this letter the inspector of tenement houses resigned; and within a few days thereafter a report from an architect employed by the society was published, in which it was shown that there had been utter and flagrant disregard of the law in the approval of drawings and plans for the erection of new tenements and the alteration of other buildings into tenements. The law provides that no building erected as or altered into a tenement shall be occupied in whole or in part until the issuance by the Health Department of a certificate stating that the building as constructed conforms in all respects to the requirements of the act. But in no case has such a certificate been issued by the department for any of the many buildings so constructed and occupied.

There is absolutely no excuse for these tenements in Buffalo, nor do they as yet exist to any serious extent. The evil can be prevented by the Health Department, for its powers under the law are ample, and all that is needed is vigilance and energy in the exercise of them. It is pleasing to note that the department is now doing all it possibly can to remedy the existing evils and to prevent the growth of new ones.

Cincinnati[5].—*Financial Condition.*—The annual statement of the Sinking Fund Trustees, issued December 31, 1902, last, shows the finances of the city to be in excellent condition.

During the year 1902 the following bonds matured: $2,000 5 per cents, $494,000 7 per cents, and $7,614,000 7 3-10 per cents; in addition $644,500 4 per cents were called in. The sinking fund itself purchased $838,000 3.50 per cent bonds, making a total of $9,592,500. The new issues, all at 3.50 per cent, amounted to $8,848,800, showing a net decrease in bonded indebtedness of $744,500. The total outstanding debt is $26,582,000, of which the sinking fund holds $1,152,236.95, thus leaving the city's liability at $25,429,763.05, on which there will be in 1903 an annual interest charge of $1,200,940, a decrease in interest charge of $323,042.

The Cincinnati Southern Railroad, which is owned by the city and which produces an annual rental of $1,210,000, is a sufficient asset to pay nearly all of the city's bonded indebtedness. The current state, county and city tax rate is $23.18 per $1,000.

Providence[6].—*Financial Condition.*—For the financial year ending September 30, 1902, there was a deficit in five departments, namely: Fire, Health, Police, Public Buildings and Schools. The last of these is a very large one of $85,000, and has existed for a long time, being carried over from year to year. The council heroically voted to levy a special tax this year to pay these deficits, so that if the plan is carried out the tax rate will be increased.

Mayor Miller, in his inaugural address, made some comparisons between

[5] Communication of Max B. May, Esq.

[6] Communication of Sidney A. Sherman, Esq., Providence, R. I.

the years 1887 and 1902. The increase in population was 49 per cent and in tax valuation 48 per cent. The increase in public school attendance was 55 per cent; in public school expenditures 178 per cent. Increase in fire department expenses 174 per cent; police department, 82 per cent; public lights, 117 per cent; highways, 54 per cent. The total ordinary receipts for 1887 were $2,345,000; for 1902, $4,356,000, an increase of 82 per cent. The total ordinary expenditures in 1887 were $2,247,000, and in 1902, with deficits added, $4,331,000, an increase of 93 per cent.

The auditor's report gives the following figures of debt, sinking funds, population and valuation:

	Total Debt.	Sinking Fund.	Population.	Net Per Capita Debt.	Valuation.	Per Capita Valuation.
1885....	$9,669,316	$1,474,314	118,070	$69.41	$124,202,000	$1,051
1890....	10,619,942	2,404,964	132,146	62.18	140,617,060	1,064
1895....	15,757,384	2,832,881	145,472	88.84	169,789,060	1,167
1900....	16,912,304	3,753,448	175,597	80.63	192,117,240	1,094
1902....	17,839,723	3,881,649	181,000	77.12	197,873,000	1,093

Of the total debt, six millions are for water works, and that, as I showed in my last communication, is a profitable enterprise. Very little of the increase in debt since 1885 is for water works however. This great debt entails a vast yearly charge for interest. Last year it was $635,000. Interest and sinking funds together made $1,122,703, or more than one-quarter of the ordinary yearly expenditures.

In 1885 the tax rate was $14.50 per $1,000; in 1902 it was $16.00. Property is supposed to be assessed at its full value.

The comparative rates of increase in the value of personal property and real estate furnish food for thought to students of taxation. The following table tells its own story:

	Value of Real Estate.	Value of Personal Property.
1865	$30,470,000	$41,084,000
1870	52,511,000	40,565,000
1875	82,862,000	39,091,000
1880	88,012,000	27,908,000
1885	92,887,000	31,314,000
1890	104,684,000	35,032,000
1895	129,438,000	40,351,000
1900	149,094,000	43,027,000
1902	154,711,000	43,161,000

It will be seen that in thirty-seven years the value of real estate has increased about 300 per cent, while the value of personal property has increased just 5 per cent. The population has increased from 54,595 to 181,000 in the

same period. The inference drawn from these facts is that the bulk of personal property escapes taxation in this city. This is generally recognized and bitterly complained of. A very popular method of evasion among the wealthy is to live six months and one day in a little country town where either the rate is low or an understanding is made with the town's assessors—or both. A law is now being urged to tax tangible personal property where located, instead of in the town where the owner has his legal residence.

Duluth and Superior.[7]—*Gas and Water Plants.*—Duluth enjoys better than average local government, and her management of the two public utilities (water and gas), that have within recent years come under her exclusive control, has been most satisfactory and successful. Under municipal management, covering a period of less than five years, the water supply has been immeasurably improved, and the water rates have been reduced 33 1-3 per cent. Within the same period gas rates for lighting have been reduced from $1.90 per 1,000 feet to $1 per 1,000 feet (the present rate for all purposes), while the annual consumption, under stimulating co-operation of the department, has increased from about 25,000,000 feet to over double that amount.

Superior, Wis., Duluth's twin sister at the head of the Lakes, has not as yet evolved from the stage of private ownership. She has paid dearly for her lack of foresight in that regard, but the shining example of her sister city, on the Minnesota side of the Bay, is inciting her inhabitants to better effort.

How little private greed is tempered by sound judgment and how prone the private service corporation, in the pursuit of its own selfish ends, is to misrepresent the effect of public ownership was illustrated by a recent episode in municipal economics which will bear recital. The franchise of the private gas company in Superior is about to expire and it is seeking a long-time renewal of the same. Superior is heavily in debt, and, therefore, unfortunately not in a favorable position to enter upon the municipal control of its public utilities. Its private representative bodies are, however, wide awake, and a recent political upheaval has tended to elevate the public administration.

The manager of the Superior private gas plant consulted the management of the Duluth public gas plant on the question. He found that, with a present output of approximately the output in Duluth at the time (1898) when the private gas plant in the latter city went into the hands of the municipality, the rate ($1.75 per thousand feet) which he proposed to offer the Superior consumers as a basis of a thirty-year franchise, was approximately the same as the rate which had been charged in Duluth under similar circumstances. He was advised to take his Superior patrons into his confidence, explain to them that, while under a consumption as at present the rate asked would not be excessive and could not well be less, a sliding scale should be established based upon the amount of gas consumed, the price with increased consumption growing rapidly less, thus taking the consumers, present and prospective, into practical partnership and inviting their co-operation.

Instead of following the sound and well-meant advice, the representatives

[7] Communication of W. G. Joerns, Esq., Duluth, Minn.

of the Superior Gas Company submitted to the city authorities a proposition for a thirty-year franchise based upon a maximum rate of $1.75 per thousand feet. In a published statement the manager of the Superior plant stated that the gas furnished by the Duluth plant was not paying for the cost of manufacture and distribution. However, the manager of the Duluth Water and Gas Department came to the rescue. In a public communication he went fully into the details of gas construction, consumption and price reduction since the plant became city property. He demonstrated, beyond the fear of successful contravention, that the gas plant of Duluth, under public management, has, notwithstanding the successive substantial reductions in rates, been on a paying basis since January 1, 1900. He omitted to add to that communication that, in the short term of four and one-half years of public ownership and management of the Duluth gas plant, there had been saved to the consumers in price reductions on gas alone the splendid total of $62.000.

This convincing statement reassured the wavering Superiorites. Thereupon the Superior Gas Company submitted the following somewhat elusive "final" proposition, based on a twenty-year franchise, rates based on gas sold:

Gas Used Yearly in City.		*Prices.*			
50 million or less	Light	$1.70	less .20.	Net	$1.50
	Fuel	1.45	less .20.	Net	1.25
50 to 100 million	Light	1.60	less .20.	Net	1.40
	Fuel	1.35	less .20.	Net	1.15
100 to 150 million	Light	1.50	less .20.	Net	1.30
	Fuel	1.25	less .20.	Net	1.05
150 to 200 million	Light	1.40	less .20.	Net	1.20
	Fuel	1.20	less .20.	Net	1.00
200 to 250 million	Light	1.30	less .20.	Net	1.10
	Fuel	1.10	less .20.	Net	.90
Over 250 million	Light	1.20	less .20.	Net	1.00
	Fuel	1.00	less .20.	Net	.80

The Superior Joint Gas Committee, consisting of public officials and representative citizens, with the convincing record of Duluth's public management of the gas supply ever before them, rejected the private company's offer, under which they would only get a minimum rate, based upon a yearly consumption of "over two hundred and fifty million" feet, which Duluth, under public management, confidently looks forward to this coming year on a basis of a consumption of approximately only sixty-five million feet, to-wit, ninety cents per thousand feet for all purposes, and passed the following resolution:

"*Resolved*, That members of the Joint Committee have considered Mr. Ellison's proposition, and we are frankly opposed to granting any long extension of the gas franchise; and that it is the sense of the several committees, consisting of Commercial Club, Hundred Thousand Club and Mercantile Association, here assembled, that the franchise of the gas company should not be extended beyond three years; and that the maximum rates should not

exceed $1.25 per 1,000 feet for heating purposes, and $1.50 per 1,000 feet for lighting purposes, with a discount of 20 cents per 1,000 for cash.

"*Resolved,* That the members of the Joint Committee, consisting of committees of the Commercial Club, Hundred Thousand Club and Mercantile Association, are absolutely opposed to the extension of the gas franchise for a period of more than three years."

This resolution the Ordinance Committee of the Common Council regarded as mandatory, and formulated an ordinance in compliance therewith, which was without further ceremony adopted by the council.

The ordinance provides, as already stated, for a three-year franchise and a maximum rate of $1.25 and $1.50 per thousand feet for fuel and light respectively. It will be published and competitive bidding will be invited upon the same. The representative of the company says it will not listen to the proposition and that it will not bid on a franchise of that nature, and, until a new franchise is granted to it or other provision is made for supplying Superior people with gas, it will, no doubt, continue to furnish gas at the old rate.

This is the situation at the present writing. What the ultimate outcome will be remains problematical. It may be a compromise. The maximum rates as fixed in the ordinance, in view of the comparatively small present annual consumption and short-term franchise, would appear to be rather low. There is room for legitimate compromise; but if the duration of the franchise is extended, it should contain a provision for the ultimate acquisition of the plant by the city. As a matter of fact gas and water franchises, if granted at all by the municipality, should, for obvious economic reasons, go together, and the present complication may furnish opportunity to correct past blunders in that regard.

In view of the fact that the Wisconsin legislature, to which the municipality must look for enabling legislation, is now in biennial session, Superior may yet find this her opportunity for the alternative of either the purchase of the private gas and water plants at a fair valuation, or, if it must be, the construction of independent municipal plants.

Wyoming.[8]—*Municipal Ownership.*—Nearly every town in Wyoming has electric lights and water-works. The electric-light plants are owned by private individuals or companies. In some of the mining towns the railroad or mining company has installed a "plant" to provide lights for the shops or mines and then have extended their system to the town. In places where there are no large corporations requiring many lights, companies are organized to install a "plant" to furnish light for the streets, homes and stores of the town.

There is very little sentiment in favor of municipal ownership of electric-light plants. A few years ago a leading paper advocated the buying of the local light system and the running of the same by the cities of the state, but no one took the matter seriously. A list of questions regarding the public ownership of utilities was mailed to the mayor of each incorporated town in the state. A large proportion of them replied. Practically the only "system" owned by the cities or towns of Wyoming is the water-works. And

[8] Communication of Frank H. Roberts, University of Wyoming, Laramie.

in a number of places the water is furnished by corporations. With one exception, where the town owns the system, it has been installed by the town.

EUROPEAN CITIES.

Berlin.[9]—*Local Self-Government.*—Trouble over the chief magistracy of Berlin has been so common of recent years that it now seems to be regularly expected in connection with every change of high officials. During the greater part of 1898 and 1899, the delay of the King to confirm the election of Herr Kirschner to the position of Oberbürgermeister was the cause of considerable friction between the city government and the royal authorities charged with its supervision.[10] It was sincerely hoped by all who had at heart the welfare of what they were accustomed to consider the best governed city in the world, that such unseemly conflicts might not recur in the future. Early in 1901, however, the struggle between the King and council was renewed, this time over Herr Kauffmann, who had been elected to succeed second Bürgermeister Brinkmann, deceased. The King had contented himself with a passive attitude toward Kirschner until the latter was finally confirmed, but in the case of Kauffmann his course was much more energetic. For reasons which can only be guessed at, the latter's election was disallowed (April 25, 1901), and when the council notwithstanding unanimously re-elected him, the same action was again taken by the King's officials (September 12, 1901). In the midst of the legal controversy that followed, Herr Kauffmann died (October 2, 1901). The city council has now elected to the office of second Bürgermeister, Regierungsrat Dr. Georg Reicke. In America, the thorough legal training, high character and undoubted talent of Reicke would make him a paragon among mayors, but in Berlin the case is decidedly different. It is feared that the man's independence and progressiveness will bring about results in his case as unpleasant as those which followed the election of Herr Kauffmann.

The opinion seems practically unanimous outside of court circles that no abler man could be found for the very important position of second Bürgermeister of Berlin. If nevertheless the royal officials determine to disallow his election, the suspicion that designs are on foot to curtail permanently the privileges of self-government possessed by the capital of the German Empire will certainly grow stronger in the minds of its liberal citizens.

Paris.—*Franchise of Underground Railway.*[11]—The Paris Metropolitan Railway was incorporated under the act of April 1, 1898. This law gave legal approval to an agreement signed on the twenty-sixth of January of the same year between the Prefect of the Seine, representing the city of Paris on the one hand, and the General Traction Company on the other.

The city of Paris granted to the company the right of constructing and operating the metropolitan railway upon the following conditions:

First. The duration of the franchise to be thirty-five years. On its expiration the right of possession will fall to the city.

[9] Communication of Robert C. Brooks, Esq., Cornell University.

[10] See communication in THE ANNALS, Vol. XIV., p. 94.

[11] Communication of André Siegfried, Esq., Paris, France.

Secondly. After a period of seven years from the completion of the system the city will have the right to purchase, on terms provided in the contract.

The city of Paris is responsible for carrying out the underground constructions. All the details of execution must be regulated by the common consent of the company and the representatives of the city. The director and the deputy manager are approved by the city. As for the staff, it must be exclusively composed of Frenchmen, and the fixed or movable stock employed by the company must be of French production, with certain exceptions specially allowed for by the city.

Everything relating to French interests, as well as to the protection of the men employed, has been arranged for in the most detailed manner.

1. The wages or salaries of the workmen and employees must be paid every fortnight, and must not be less than 150 francs a month. The men employed temporarily are to receive a minimum salary of five francs a day.

2. The length of the working day must not exceed ten hours. One day's rest in the week, or two half-days, must be given to the men employed.

3. An annual holiday of ten days shall be accorded without reduction of salary.

4. The whole salary shall be paid during the periods of military service.

5. Days of illness duly certified by a doctor designated for that purpose shall be also paid without diminution for at least a year.

6. The public authority enjoys the right to impose all necessary measures of safety and hygiene.

The company further pledges itself to furnish the men employed with depositors' books for the national pension fund, the deposits being made by a deduction from the salary of 2 per cent on the salary of the workman and 6 per cent deposited in their name by the company. The company pledges itself, moreover, to provide a free dispensary and medical attendance and agrees to insure the workmen and employees against accidents at its own expense.

With a view to enabling the city to meet the interest and liquidation charges of the loans raised for the construction of the subway, the city is to receive five centimes on each second-class ticket of fifteen centimes, and ten centimes on each first-class ticket of twenty-five centimes.

If the total number of passengers of both classes conveyed by the Metropolitan exceeds 140,000,000, the city's share is to be increased according to a scale provided by the agreement, up to the number of 190,000,000 passengers. When this number is reached, there will be no further increase in the city's share.

II. PHILANTHROPY, CHARITIES AND SOCIAL PROBLEMS

The May Number of the "Annals" will be a special philanthropy volume. The members of the Academy and readers of THE ANNALS are invited to send notes to this department. It is hoped to make the Philanthropy Number a conference by correspondence as it were; the more who contribute the greater will be the profit.

The Fee System in Georgia is as objectionable as in New Jersey and wherever officers of criminal courts are paid in proportion to the number of offenders arrested, tried and boarded. The governor of Georgia in his annual message, 1902, advocated the abolishment of all fees for county judges and solicitors: "Thus the temptation to institute frivolous prosecutions and to impose heavy fines and exact exorbitant costs in trivial cases would be removed, and there would be no ground to charge that any county court is run in the interest of proprietors of private chain-gangs." Fulton County, of which Atlanta is the seat, has abolished all fees for court officers except the sheriff, who still makes a huge profit from boarding prisoners and witnesses at twenty-seven cents per day. The county solicitor's salary is now $6,000; under the fee system such as now prevails elsewhere, the Fulton solicitors had annual incomes of $20,000-$30,000.

The annual message of Governor Murphy, of New Jersey, also recommended the abolishment of all county fees, particularly those of the sheriff. "The laborer is worthy of his hire, but one laborer is not worthy the hire of two or three." The State Charities Aid Association has for years pointed out that the sheriff's profits from boarding prisoners are a stumbling block to penal reform. The significant fruit of this educational work is the fact that the proposition for which the governor urged economic reasons has been made a moral issue. The bill, which has passed the Senate, gives salaries in the largest counties of about one-third of the present net income, in the small counties approximating one-half the present net income. Should it pass the lower house the estimated saving to the state would be from $40,000 to $140,000 per year.

Can Colored Convicts be Employed Indoors?—Most Southern states reply in the negative. The prison commission of Georgia in its report for 1902 declares that the low death rate of the Georgia penitentiary is due to open-air employment. Some state officials declare that as many as 20 to 30 per cent would die if employed indoors. This opinion seems to prevail among prison officials in the South, notwithstanding the successful experiments in many points with colored non-convict factory labor. The experience of the federal prison, Atlanta, will be valuable because many of its convicts are colored and are worked side by side with whites. Perhaps the best rebuttal of the argument that Southern colored convicts cannot be given industrial training within walls is found in the Virginia state penitentiary, where from eight hundred to nine hundred colored convicts, male and female, are employed in the shoe factory, which has been running over seventeen years. This

factory returns an average income to the state of about fifty thousand dollars per year; in addition the prisoners earn from eighteen hundred to two thousand dollars per month for over-time. Although the building is of obsolete type and sanitary conditions very unfavorable, because of large cells for twenty or even thirty men, with petroleum for light and heat, there were last year only seven deaths among the 1,373 colored men and women at the penitentiary, a lower rate than obtains among the total colored population above five years of age in any of the Southern states. The death rate in the city of Richmond, where the penitentiary is located for colored was, in 1900: males, 35 5-10 per thousand, for colored females 32 2-10 per thousand, while in the city of Atlanta the death rate for colored was: males, 39 5-10, and for females, 36 3-10 per thousand.

How State Prisoners Should Be Employed is a problem of great moment both North and South. The governor of Illinois in his annual message opposed productive prison labor on the ground of its alleged injury to free labor. An Illinois daily paper declares that it is the manufacturer, rather than the laborer, who has demanded this opposition. "The tax-paying part of the community have a right to require that this labor shall be sufficiently remunerative to maintain the prisoners themselves. This is the only class of public institution that ever does or ever can contribute to its own support." In general it may be said that the editorial is sounder economically and sociologically than the governor's cry against productive prison labor. Even in New York students are beginning to realize that the attempt to confine industry within prisons to production for state consumption results in placing a needless burden upon the taxpayers.

The general systems of convict labor may be classified as follows: Production on state account for state consumption (New York); production on state account for universal consumption (Minnesota); contract labor, indoors (New Jersey); contract labor, out of doors (Georgia); lessee system, out of doors (Alabama).

Georgia has for three years sold the labor of its convicts (2038 out of 2315 last October) to private manufacturers and mine operators, the state reserving the responsibility for discipline, medical and clerical attendance, etc., and the private contractors furnishing house and provisions. This system nets the state an average of $82,000 a year, and it is maintained that the next contract will net at least $200,000 a year. As one-half of this sum goes to the schools of the state, it is expected that the legislature, which convenes in June, 1903, will authorize the present commission to make new contracts. What is virtually a lessee system is in vogue in thirty-two counties, with an aggregate of 965 convicts. According to the last report of the prison commission and the message of Governor Terrill to the legislature in 1902, these counties are evading, even violating existing law. Production on public account for public consumption may be examined at Atlanta, there being county chain gangs constantly at work upon the roads in various parts of Fulton County. The last report of the prison commission contains an able argument on out-of-door contract labor, and defends the Georgia system on these grounds: (1) It is humane and in keeping with the best modern prison systems. (2)

It is better adapted to the present population (colored) of the state than any other. (3) It competes less with other industries and with other labor than any other. (4) It is self-sustaining and nets the state large sums of money annually.

The same report contains a severe arraignment of the lessee system which is in vogue in thirty-two counties, and also in other Southern states such as Mississippi. Of this system, which employs nearly 1,000 misdemeanor convicts, the governor's message, 1902, said: "By unwarranted stretch of the law other chain-gangs authorized by county authorities, and nominally under their control, but worked, not by the county, nor for the benefit of the county, but by private individuals or companies for personal gain, have been established in quite a number of counties, sometimes two or three in the same county."

The Atlanta Charitable Association was organized several years ago by the best citizens of our city, each member agreeing to pay $6 per year. An ordinance was passed ordering that all relief given by the city should be dispensed through this association. Each individual applying for relief was to be visited by the superintendent and, when found worthy, his necessities were to be relieved by giving him an order on the nearest grocer or wood dealer.

The expense of running the association was about $1,350 per year. In the year 1899 the city's appropriation to this association was $3,500 and the amount raised by citizens was $1,962.14. In addition to this the citizens paid the superintendent's salary, office rent, telephone, etc., making a total of $3,311.36, nearly as much as the city gave. In 1900 the city contributed $3,500. The association's report says they helped 4,487 persons, giving out in relief $3,324.82 besides a great deal of second-hand clothing, which was the equivalent of about seventy-five cents in cash to each person.

The finance committee in 1902, of which the writer was chairman, gave $1,200, on condition that none of this should be spent for salaries. This was refused, and the association closed about April 1, 1902. This action was taken because the association's membership fees had dwindled down to $500, and the greater part of the city's money was spent not for relief but for salaries. In justice to the president of the association it should be said that he had been unable, during 1900 and 1901, to give to the work of the association the attention which had previously made it an excellent relief agency.

I am convinced that the plan of this association was the proper one for dispensing relief. I think they should have had monthly meetings at least and enthused and interested their members by telling of the great work being done, and not left everything to the superintendent. An organized charity is the proper way to dispense relief. Charity, like everything else, to do the most good, must be systematized. We hope soon to unite all the charities in our city.[1]

The Home for the Friendless, Atlanta, was organized in the year 1888. Three or four charitable women, after enlisting the interest of others,

[1] Contributed by T. D. Longino, M. D., Chairman Hospitals and Charities Committee, City Council, Atlanta, Ga.

secured a charter, and in a cottage of six rooms opened a home for homeless women and children. In six months' time the cottage was outgrown. In the meantime the city council having taken note of the devotion and ability of these few women, gave to the home an appropriation of $50 per month. As the number receiving help grew, the city government increased this appropriation, until now it grants $250 per month. Within four years our six-room cottage had grown to a large two-story brick building, with not one cent of indebtedness upon it. The work has so grown that in the last year we have added a third story to our building at a cost of $5,000.

From the outset we have emphasized the placing-out feature of our work. Hundreds of children have been sheltered and many women cared for. About three hundred children have been adopted into good homes and numberless girls saved from ruin. There are now one hundred and twenty-five inmates, fifty-three of whom attend public schools, twenty-one our kindergarten, twenty-two our day school at the home, while thirteen are in our baby nursery. Every boy and girl old enough is taught some industry. For the last year the cost per capita has been $5.78 per month. The organization has always lived within its means. It is, therefore, free from debt and holds title to unencumbered property valued at $20,000.[2]

Reformatory for Boys, Atlanta, Ga.—Soon after becoming judge of the police court of Atlanta in 1899 I began to notice the number of boys who were brought to trial for various offences, some trivial, others serious. If proved guilty by the evidence, there were but two things to do—fine them or commit them to the city "stockade." There was no such thing as a reform institution or probation officer in the city, county or state. When the offences were not of a serious nature I dismissed them with a reprimand and a warning, but, unfortunately in most instances, the fact that they had been reprimanded was outweighed by the greater fact that no punishment had followed their arrests, and soon they would be brought back under other and more serious charges. Very few of them were able to pay any fine, and both my heart and mind rebelled at the only alternative of placing them in the stockade to work, eat, sleep, breathe and live in close confinement and contact with degraded and hardened criminals of all degrees and ages, and with all diseases of both mind and body.

This was a state of affairs too horrible to be continued in a Christian community, a community of churches, of charitable societies and of philanthropic men and women. Something must be done! I sent a written appeal to the city council to give me some kind of a reform institution to which youthful criminals could be sent. This body promptly took the matter up, committees were appointed, plans discussed, eloquent speeches made and—nothing done.

Red tape has strangled the effort, as it has so often strangled others. The cause seemed hopeless, when the women of Atlanta came to the rescue, and obtained from the grand jury our county reformatory. It is euphoniously and properly styled "The Industrial Farm," and is doing a great work, an indispensable work, in the community; but the ever-present "red tape" is in

[2] Contributed by Mrs. A. B. Averille, President.

one respect limiting in a great measure its usefulness. It is a *county* institution, and, under the law, only *county* courts can send juveniles to it. The police court is a *city* court, and although practically all of the youthful criminals of the county are arrested by city policemen and tried in this court, they cannot be directly committed to the institution, but must be committed to jail and kept there until the county courts convene at their regular sessions to try them and pass them on to the school. However, I am glad to be able to state that a bill to change this absurd law is now pending in our state legislature and, I believe, will soon be passed, when the evils mentioned will be remedied.[8]

The Federal Prison Near Atlanta is in some respects a model institution. Concerning the discipline of the institution and the spirit which pervades the entire staff the warden, S. A. Hawk, formerly of the state penitentiary, West Virginia, speaks as follows:

"The Civil Service Commission have given most valuable service in the examination and certification of applicants for the positions of officers and employees for this institution, who possess a high degree of intelligence and moral excellence, worth and ability, for the performance of their proper duties. It is with some pride and which, I hope, may be pardonable, together with great pleasure that I feel a consciousness that there is not a penal institution on earth which has the material for a better corps of staff and guard officers than is provided for this penitentiary."

There are about five hundred prisoners there at the present time, and work has already been begun upon a large additional wing. Unfortunately the government does not permit prison labor to engage in productive industry, not even in the manufacture of government supplies. Therefore, it is necessary for many of the prisoners to remain idle day in and day out. During the summer months these men will be busied on the new building and in the erection of a large wall which is to surround the eighteen-acre campus, so called. But such was the success of Warden Hawk at Moundsville in stimulating the officers and prisoners that it may be safely prophesied that he will in time not only organize schools and profitable recreation and the intensive cultivation of the farm, but that he will demonstrate to the Department of Justice and to the taxpayers of the United States who influence legislation that the purpose of the federal prison is to regenerate first of all, and that the government should supply facilities for industrial training and productive employment.

Child Labor in Alabama.—Mrs. C. P. Orr, representing the Federation of Women's Clubs of Alabama, has brought about an arrangement with the Child Labor and Manufacturing Committee, representing the cotton mill industry of Alabama, which regulates the employment of minors in factories or manufacturing establishments and provides for the punishment of violations of the act.

Section 1 of the act provides that no child under twelve years shall be employed in any manufacturing establishment within the state unless a

[8] Contributed by Nash R. Broyles, Esq., City Recorder.

widowed mother or aged or disabled father is dependent on the labor of such child, or in case a child is an orphan and has no other means of support. No child under the age of ten years shall be employed under any circumstances.

Section 2 provides for the filing of an affidavit, signed by the parent or guardian, certifying the age and date of birth of said child, and providing for a fine of not less than $5, or not more than $100, or a sentence to a term of hard labor, not exceeding three months, for any person knowingly furnishing a false certificate of the birth of said child.

Section 4 provides that any person violating the provisions of this act shall be deemed guilty of a misdemeanor and, on conviction, shall be punished by a fine of not more than $200 for each violation.

The Federation of Women's Clubs of Alabama, acting independently of all organizations—labor and others—has been able to bring about the compromise which seems most satisfactory. The passage of the bill is practically assured.

Juvenile Crime and the Regulation of Child Labor are related effectively to the general problem of universal education in Vol. I of the report of the United States Commissioner of Education for 1901. Some of the data which the volume contains is not available in any other publication in the United States. For example, the first chapter on Education in Central Europe has a translation of the complete text of the new law concerning the education of juvenile offenders in Prussia, according to which juvenile delinquents are placed in well-reputed families, where they are kept as apprentices under strict supervision. The expense of such children is defrayed at first by the local government, which may in turn reimburse itself by collecting costs from the families from whom the children are taken, except in cases of poverty. Religious education of children placed out by the state is obligatory. The report refers to the great increase of crime amongst minors as compared with adults, and accounts for it in part by the pressure of present social and economic conditions, a much larger proportion of minors being occupied outside of homes, the influence of which was formerly a protection to them. This law has now been in force a year and a half, and has proved so successful that other states of the empire are beginning to copy it. Under the imperial criminal code, children under twelve who commit crimes, and neglected children over twelve and under sixteen, are not subject to punishment.

The same chapter contains a complete translation of the results of an official examination by the German imperial chancellor, Prince von Hohenlohe, on Child Labor in Germany, *outside of factories*. The results of the inquiry are startling. Over half a million children of school age were found to be employed outside of factories, not including those employed in agricultural pursuits. The chancellor urges co-operation on the part of school teachers and inspectors in order to obtain the facts as to the age and physical condition of children. Injurious and unhealthful occupations are clearly defined, and some interesting statements made by teachers on the detrimental effects of child labor, based on their experience with children employed on half-time, who are still in school. Emphasis is laid on the injurious strain

of work done at unseasonable hours by boys in bowling alleys and newsboys. The chancellor has also summarized the child-labor regulations in other European countries.

Dr. Harris has added to the chancellor's report the translation of an exceedingly valuable article by Dr. Wiese which was printed in the *Berlin Tägliche Rundschau*, discussing the details of child labor frankly and openly. The article not only shows the effects of factory labor on children, but argues that it results in cheapening the labor of their parents. The writer enlarges on the failure of authorities to enforce the laws and the necessity of arousing public conscience to the evils of child labor. Under the head of Education in France is printed the translation of an extremely valuable article by M. Levasseur on Juvenile Crime.

An entire chapter is devoted to Educational Pathology or Self-Government in Schools, dealing with methods of training unfortunate, weak, neglected or depraved children, and summarizing the efforts which are being made to save these members of the social body for a life of usefulness by such organizations as the childrens' aid societies, juvenile courts and settlements organized on the model of the George Junior Republic. Dr. Harris considers that the healing and preventing of social diseases, rather than the punishment of those who cause the diseases or are subject to them, is analogous to the premises and methods of physical hygiene. Formerly the state rather stamped out disease with fire and sword than prevented the spread of disease and epidemics by quarantine and preventive agencies. It is suggested, however, that all of these attempts at reclaiming waifs, preventing crime and saving weaklings are in their infancy.[4]

Abolishment of the Lock-Step in the New Jersey Prison.—Warden Osborne, with the consent of the supervisors of the state prison, has abolished the lock-step. It means a saving in time of ten minutes in the morning, twenty minutes at the dinner hour and ten minutes at the close of the day's work, a saving each day of 450 hours for the 680 men employed in the shops. Warden Osborne has been desirous of its abolishment, and is pleased with the rapid way in which the prisoners are acquiring the military step. The prisoners have been made happy by the change.

A Study of Wife Desertion was begun last September by the Philadelphia Society for Organized Charity through a committee consisting of three members of the board of directors, the general secretary, Miss Richmond, and the writer of this note.

The facts that confronted us were: (1) Out of a total of 6,664 cases—families and individuals—dealt with by the society during the past year, in 211 families the distress was due either wholly or in part to the desertion of the wife by the husband, and (2) our Pennsylvania laws were inadequate, since they do not regard desertion and non-support as a crime, providing no penalty for the act and no redress for the wife except a court order on the husband for support, which is of no avail if the husband is out of the state.

Our study of the subject is really only beginning, but it seems worth while to sketch the lines along which we are working.

[4] Contributed by Hugh P. Fox, Bayonne, N. J.

I. We have studied the records of the 211 families, collecting statistics as to nationality, occupation, size of family, etc., determining, when possible, the causes of desertion; analyzing the methods used in dealing with the families, and naming and describing some types of deserters found among the 211 husbands.

II. We have investigated the present status of the matter in Pennsylvania by studying the Pennsylvania law and case reports, visiting the non-support court, and talking with lawyers, charity workers and journalists.

III. We have secured information as to the laws in other states, their practical working, and the best thought on the whole subject. In doing this, we wrote to all the secretaries of state and state boards of charities and correction, to representatives of many of the charity organization, legal aid and humane societies, and to various other individuals and organizations, and we consulted all the literature on the subject which we were able to find.

IV. We have framed a new law and are attempting to secure its passage at the present session of the Pennsylvania legislature. In this we have secured the active co-operation of several important Philadelphia charities and their legal representatives.

V. We hope as a result of this study to interest the people of Pennsylvania in the subject, not only with a view to securing the passage of this new law and ensuring its enforcement, but also for the sake of increasing the general recognition of the real seriousness of the problem involved.

To summarize the legal situation throughout the United States, the states and territories may be divided into four groups:

1. Those where there is no law on the subject, 2.

2. Those where the only remedy for the wife is an application for divorce, 16.

3. Those where there is a civil remedy, *i. e.*, where the court may make a support order against the man, 10.

4. Those where desertion and non-support constitute a crime—either a felony (2) or a misdemeanor (18).

As to two territories we have not yet secured information.

From our correspondence with charity workers all over the country we have discovered a very general feeling that the chief desideratum is to make desertion an extraditable offence, and that, to do this, it must be made a felony. For, although misdemeanors also come within the extradition law, governors are unwilling to act except in cases of felony. Accordingly in at least eight states efforts are soon to be made to secure the passage of acts making desertion and non-support a felony.

Among the other suggestions as to features desirable in a law are:

1. Some workhouse scheme by which a man could be imprisoned and a certain sum paid regularly to his family as the proceeds of his labor.

2. Probation.

3. Uniform legislation throughout the United States.

The law which we are now presenting to the Pennsylvania legislature has, of course, been framed with special reference to our local needs and limitations. It is an act making desertion and non-support of wife or children a

felony, punishable by imprisonment not exceeding one year, or fine not exceeding $100, or both. It provides that after conviction the judge may suspend sentence as long as a man complies with the court's support order. Even if this law is passed, procedure in ordinary cases may still be under our present law, which would have the advantage of offering a more speedy remedy, since it does not involve a jury trial and under it a court order can be obtained in a few weeks. But the new law would add the possibility of bringing a deserter back from another state, and, in aggravated cases, of imprisoning him for a year as a criminal.[8]

Legal Dispensaries are still quite new in the United States. New York City has for a generation had its legal aid society, where the poorest client could secure adequate relief and justice. The State of New Jersey has a state legal aid society with headquarters at Newark, employing as does a recently formed society in Boston, a lawyer in regular practice to conduct legal aid cases. A society based upon the New York model has recently been formed in Philadelphia, and Pittsburg, Baltimore and Chicago have at least one legal dispensary each. Social settlements in England discovered the need for legal relief, and improved, somewhat, upon the New York and New Jersey methods by establishing in the neighborhoods inhabited by the poor, veritable dispensaries where for a nominal fee the "Poor Man's Lawyer" may be consulted. For the same reason that the poor will resort to a local medical dispensary when they fear to go to a drug emporium or hospital they will also consult a legal adviser at an unpretentious office in their own neighborhood. They will bear the ills they know, rather than endure the uncertainties of a visit to a lawyer's office in a pretentious office building. New York now has a central office and three branches. As a result cases have grown from three thousand to sixteen thousand. It is probable that an increase in the facilities for obtaining justice would result in a corresponding increase in the application for legal relief.

The number of cases of legal relief which might be expected, assuming that cities having a population of over one hundred thousand have the same relative need for legal relief as New York (and this assumption is undoubtedly safe, because as experience has shown that even the sixteen thousand cases in New York represent but a small proportion of the total number of cases that would resort to legal dispensaries were these near at hand), would be as follows:

New York, N. Y., 16,000; Chicago, Ill., 7,902; Philadelphia, Pa., 6,017; St. Louis, Mo., 2,676; Boston, Mass., 2,608; Baltimore, Md., 2,367; Cleveland, Ohio, 1,776; Buffalo, N. Y., 1,639; San Francisco, Cal., 1,594; Cincinnati, Ohio, 1,515; Pittsburg, Pa., 1,495; New Orleans, La., 1,335; Detroit, Mich., 1,329; Milwaukee, Wis., 1,327; Washington, D. C., 1,299; Newark, N. J., 1,145; Jersey City, N. J., 960; Louisville, Ky., 952; Minneapolis, Minn., 943; Providence, R. I., 817; Indianapolis, Ind., 787; Kansas City, Mo., 762; St. Paul, Minn., 758; Rochester, N. Y., 756; Denver, Col., 623; Toledo, Ohio, 613; Allegheny, Pa., 604; Columbus, Ohio, 584; Worcester, Mass., 551; Syracuse, N. Y., 504; New Haven, Conn., 502; Paterson, N. J., 489; Fall River, Mass.,

[8] Contributed by Helen Foss, Philadelphia.

488; St. Joseph, Mo., 479; Omaha, Neb., 477; Los Angeles, Cal., 477; Memphis, Tenn., 476; Scranton, Pa., 475.

The Report of the New York State Prison Commission.—In this report the state prison commission asks again for the erection of a separate building for men condemned to death. The other important recommendations are:

An appropriation for completing the new Trades School building at the Elmira Reformatory. An amendment to the law relating to probation, which will give every court authorized to suspend sentences the power to appoint probation officers. An amendment which will allow the application of the indeterminate sentence and parole law to be applied to state prisons so as to bring within its provisions all persons sentenced to state prison for first offences except murder. The establishing of a state industrial school for male misdemeanants between the ages of sixteen and twenty-one years. The law governing the county jails to be amended so as to require the separation of prisoners with proper classification (this to be mandatory), and to provide for the procedure and enforcement of the law governing county jails.

Cornelius V. Collins, superintendent of the male prison commission, in his report has advanced some new ideas; one is to make the term of incorrigibles practically a life sentence, sentencing for life those who have spent three previous terms for felonies; giving the commissioners the power of parole. In this way sentences could be suspended during good behavior, with the return to confinement, without trial, upon any disposition to return to evil ways. A recommendation is also made that the salaries of prison guards shall be regulated by the length of service. The transfer of convicts suffering from tuberculosis in the earlier stages to the Clinton prison in the Adirondacks is also recommended. In five years there has been a decrease of 71 per cent in the number of deaths from this disease.

Settlement Work Among Colored People has been found both practicable and profitable by at least one organization of the settlement type in New Jersey. In a city of about 6,000 inhabitants, about 500 of whom are negroes, the Civic League conducts the following club work among colored children and their mothers: The colored women avail themselves most gladly of the privileges of the day nursery, where their babies may be left while they are out working, and enjoy thoroughly a mothers' meeting held once a week especially for them. Here they are taught to cut and make garments for themselves and their children, paying in part the price of the materials used. A cup of tea served them when work is over ends what is to the women a real social treat, for there is nothing colored people enjoy quite so much as meetings.

Some very good work is done by colored children in the sewing school and a very successful girls' club is carried on for them one evening a week. It has at present eighteen members, varying in age from fourteen to twenty. The girls are learning sewing, knitting and crocheting, in which they take a great deal of interest. The evening ends with games and music.

A colored boys' club, too, meets weekly, with the enthusiastic support of its twenty-one members. The boys elect their own officers and conduct their

own business meeting, which occupies the first half hour of each evening. After this some instructive occupation follows—last year it was basket weaving, this year chair caning—which appeals rather strongly to the boys, because it is something they can use later in the way of business. Three-quarters of an hour of games and music close the evening. The work done in all of these clubs and classes is quite up to the average done by white children and the change noticeable in manners and character of the members most gratifying.

Perhaps the one point most often urged to prove the hopelessness of any such work among colored people is that they are "so lazy and have no ambition." This is sometimes true—not always. But if it is true, if the colored boy does lack ambition, is it wholly his fault, and is it even surprising when we consider conditions? Is it not the thought of what they are going to be and do when men that inspires most boys? What position in the community may the colored boy aspire to hold? In what occupation may he hope to engage?

In this city he may drive a garbage wagon, coal cart, grocery wagon or hack or, if he is fortunate, get a place as private coachman. He may become a day laborer or do cleaning and whitewashing or be a house servant, but he may *not* enter a trade or compete in any skilled labor with the white man. So, though he has the ability to be a carpenter, plumber, painter or mechanic, he knows that his learning to use this ability is fruitless unless he is willing to go South again, where he may have a chance to turn his knowledge to practical account. The North gave him freedom, but means him to enjoy that freedom at the South.

On the whole, work among these people is most encouraging. They are easily influenced and responsive to any advice or suggestion given by the workers, whom they quickly trust and regard as friends, and this friendship once won lasts, with all its possible opportunity of helpfulness.[6]

[6] Contributed by Caroline B. Chapin, of the Civic League, Englewood, N. J.

III. NOTES ON COLONIES AND COLONIAL GOVERNMENT

THE ELECTIONS IN PORTO RICO.

By Benjamin F. Butler.[1]

The elections which have recently been held in Porto Rico are of much more importance to the United States than a casual observer would suppose. Oklahoma or New Mexico may elect their local officers or their delegates to Washington without creating a ripple outside their own locality, and without in any way indicating the success or failure of a great policy; but in the election in Porto Rico the system of colonial government established by the United States was under trial and on its result depended to a considerable extent the success or failure of Porto Rican self-government.

As a result of this election President Roosevelt in his message to Congress was able to state "of Porto Rico it is only necessary to say that the prosperity of the island and the wisdom with which it has been governed have been such as make it serve as an example of all that is best in insular administration."

For the first time in their history the people of Porto Rico have met in a contested election, held under civil authorities, in which a free expression of opinion was allowed. The previous elections held during the Spanish régime in no way resulted in the free expression of public opinion, the dominant party by trick or by fraud invariably obtaining the results they desired, and the agents of the government being elected to all but the positions of minor importance.

The first elections held in Porto Rico after the island passed from the Spanish flag were held for the purpose of electing municipal officers. They began in October of 1899 and lasted until February 8, 1900. They were conducted under the supervision of the Military Government which then existed, every polling place was presided over by an officer, and the United States troops were on hand to prevent disorder. Notwithstanding this, in nearly every town where the Federal party won, the Republicans contested the election, charging fraudulent voting.

The Organic Act, better known perhaps as the Foraker Bill, which introduced civil government in Porto Rico, provided that elections should be held in November, 1900, for the purpose of electing a commissioner to the United States, and thirty-five representatives who were to form the House of Delegates. This election proved to be uncontested. It is not necessary here to enter into the question of motives that led the Federal party at the eleventh hour to retire from the polls. Suffice it to say that a general order was issued by the leaders of the Federal party that no Federal should cast his vote, and as a result out of the total of 58,515 votes cast all were Republican save 148. The laws and regulations under which this election was held were formulated by the Executive Council, which had been called into being by the

[1] Insular Supervisor of Elections.

Organic Act, and consisted of six Americans and five Porto Ricans, these Americans being the heads of the various departments into which the government was divided. A sub-committee on elections sat almost continuously during the weeks before election, and with the council in immediate call, every point as it came up was dealt with and new rules were passed to cover every emergency. The result of this election was naturally the election of the Republican commissioner to the United States and a House of Delegates unanimously Republican.

In order to prepare for the general elections to be held in 1902, during the session of 1901 an election law was introduced by a member of the Executive Council. This law was largely based on the orders that had been issued by the Executive Council for the election of 1900. It was supposed to embody all the better portions of those orders and many corrections, where in practice they had been found faulty. This law, however, was passed by a House of Delegates, every member of which was a Republican, and it is not surprising that certain portions of the law gave advantages to that party. In one clause in particular, Section 22, it provided that the Executive Council should cause to be printed on the official ballots the names of candidates nominated by the conventions of any party which cast 5 per cent of the total vote in Porto Rico at the last election, and also the names of any candidates for any office when petitioned to do so by the electors qualified to vote for such candidates, provided nominations by petition for officers to be elected under this act shall be made by at least 500 signers to said petition, who are registered as qualified voters for said election. Under this regulation the Federal party, not having cast 5 per cent of the vote at the previous election, was now compelled to nominate all its candidates by petition.

It should be borne in mind that this election was a general one at which not only a commissioner to Washington but also members of the House of Delegates, mayors and boards of council and school commissioners for every municipality and road supervisors for each of the seven road districts, were to be chosen. It, therefore, became necessary for the Federal party, in order to have a ticket, to present a petition signed by 500 registered electors, and in many municipalities they had not this number. While it is true that in such municipalities they were in a hopeless minority, nevertheless it was annoying for them to find that they had been deprived from nominating a municipal ticket in certain towns of the island.

Another point of the law that made it somewhat difficult was that the first day of registration was the fourteenth of October and the last day for filing a petition of nomination was the fifteenth of the same month. Consequently, unless there were 500 Federals registered in the previous election it was impossible to register a sufficient number of people on the fourteenth to make good a petition that had to be presented on the fifteenth.

In the orders issued for the election of 1900, the qualifications of an elector were prescribed as follows:

A.—One who is able to read and write; or,

B.—One who owned real estate in his own name or as a member of a co-partnership or corporation; or,

C.—One who on the first day of September owned personal property in his own right and name to the value of $25.00.

These qualifications were considered as most liberal by Mr. Henry R. Burch in his article on "Suffrage in the Colonies," published in the May ANNALS. Nevertheless, in the election law passed last year the qualifications for registration were somewhat changed and are as follows:

A.—One who is able to read and write; or,

B.—Who, on the day of registration, owns real estate in his own right and name; or who, on said day, is a bona fide member of a firm or corporation, or co-partnership, which owns real estate in the name of such corporation, firm, or co-partnership; or,

C.—Who, on said day of registration, produces to the board of registry of the district wherein such elector may be entitled to vote, a tax receipt showing the payment of any kind of taxes for the last six months of the year in which the election is held.

This is a distinct change in the qualifications, being still more liberal than the already liberal qualifications of 1900. As instead of requiring $25 personal property a tax receipt showing the payment of any kind of taxes qualifies. There is further added in this same section, "C," the following: "But nothing herein contained shall require a new registration or impose new qualifications for those electors who were registered during the year nineteen hundred who are hereby declared to be qualified to vote without new registration." This established a permanent registration and served as the basis for dividing the island into election precincts.

In the election of 1900 the island was divided into 219 electoral precincts, but under the new law it was provided that each precinct should contain as nearly as practicable 300 electors. Consequently, based on the permanent registration lists of 123,140 names, the supervisor was required to divide the island into more than double the number of precincts, or to be exact into 449 precincts. The task of finding suitable individuals for judges of election and poll clerks in 449 precincts was not an easy one, nevertheless, the seven district boards of election were able to accomplish this, and the 1,400 registration agents and judges of election in addition to the 930 secretaries, all of whom were Porto Ricans, showed a general intelligence which would compare well with the election judges in one of the states of the Union, although it is not surprising that in a few individual cases some of the men who were named were disqualified through ignorance in properly filling their positions.

The change that has been noted in qualification "C," making a tax receipt showing the payment of any kind of taxes sufficient for the registration of an elector at once gave rise to many questions, and from all over the island letters were addressed to the supervisor inquiring what form and for how small an amount the receipt for taxes qualified an elector. Any kind of taxes certainly was exceedingly broad and admitted of either insular or municipal taxes. Any kind of tax would seem to admit of a tax of any amount either great or small. The smallness of a tax was not material provided the individual presented a receipt showing payment within six months, nor was there any limit as to when it might be paid within this period, up to the date

of registration. In many of the municipalities throughout the island very small taxes were collected. The smallest seem to have been daily taxes collected in Guayama and Mayaguez for the use of market stands, where, on the payment of three cents, a person had the right to deposit his basket of vegetables on the floor of the open market and dispose of them. Clearly the framers of the law never meant that a receipt of three cents should qualify a voter. Nevertheless there seemed no legal way of preventing one presenting such a receipt from being registered. The result of this was of course to create almost universal suffrage, as unfortunate indeed was the individual who could not pay his three cents for such a tax receipt, even though he had neither basket nor vegetables to dispose of, or lacking in apparent political shrewdness was the party that could not secure sufficient of these receipts to qualify any number of electors. The remedy for such evils as this, lies in a change in the law which should either grant universal suffrage pure and simple, or by so defining what form of tax receipt renders a holder qualified, as to limit electors to those originally intended to be qualified. With this clause as it stands to-day municipalities would vie with each other in creating forms of tax receipts even for less than three cents, and unless there is a change, at the next election we shall see people qualifying on one cent receipts.

Section 16 of the Election Law reads, "It shall be the duty of the said boards of election at least fifteen days before the date of election to appoint as judges of the election three persons of each precinct and in so far as it may be practicable said judges of election shall not be of the same political party." Some doubt having arisen as to the interpretation of this section an interpretation was sought for from the Executive Council and the following resolution was passed by that body:

"Be it ordered by the Executive Council that following the precedent universally established in the United States of giving the majority party at the last previous election a majority representation in the electoral colleges, the boards of election are hereby instructed to follow this rule in making such appointments, such being the spirit of the law." Acting under this resolution the election agents and judges of election, the same individuals serving in both capacities, were duly appointed.

It is claimed by the minority party that the judges of the majority showed no regard to the rights of the minority party. While many of the inhabitants of the Island of Porto Rico have not been educated with that respect for minority and majority representation that is inherent in those accustomed to republican institutions, and while in many cases they may have taken advantage of a power to render decisions favorable to their respective parties, yet, on the other hand, there were many decisions rendered through ignorance.

Every act of injustice reported to the supervisor's office was remedied so far as it lay in his power to do so. Occasionally judges were found who refused to obey the instructions sent, but, on the other hand, many cases were satisfactorily corrected.

The appointment of special representatives by the acting governor and later by Governor Hunt, which has been commented on as such an improper

proceeding by certain newspapers in the North, was an act of great wisdom, and had much to do with smoothing over difficulties and soothing passions of the members of both parties so that election day passed with a Sabbath quiet. The functions of these gentlemen were to advise. In the towns where they were sent they called together the leaders of both parties, explaining to them that they would be held responsible for a peaceful election, and during the day they visited, one after the other, the precincts in these towns, advising, encouraging and admonishing, the judges, electors and the police as the case might require.

On the day of election warnings were sent to various offenders that they would be proceeded against in the event of their continuing their illegal acts and both parties were keen to present "denuncios" or charges against any judge who appeared to offend. Since election day these charges have been passed on, one by one by the attorney-general's office and by the supervisor. Many have proven to have been unfounded; others are shown to have been corrected after the complaint was made, still others to have been of so trivial a nature as not to warrant proceedings, while, on the other hand, quite a number were found to be of such a serious nature as to require criminal proceedings to be brought. It now rests with the courts to punish these offenders, and to offer an example to the public at large that the election laws are as sacred in Porto Rico as they are in any portion of the United States, and if one offends against them he must suffer the consequences. There are ample provisions in the Penal Code to punish all offenders, and there is no reason to doubt that when people see that the crime will meet its punishment there will be less desire to play smart politics.

In summing up it would seem that the result of this election, notwithstanding various protests of the minority party, has represented the wishes of the people. The minority party, the Federal party, has elected the full number of representatives to the House of Delegates they were entitled to expect. In two or three towns where questions of local politics entered in, and where the rulings of certain judges operated to the material disadvantage of the local minority, the election may not have represented the choice of the people, nevertheless, as a whole it may be said to do so. The great point at issue to the people of Porto Rico and to the people of the United States, was not who should be elected but whether the citizens of Porto Rico were fit to enjoy the franchise, and the result of this election has answered the question in the affirmative.

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